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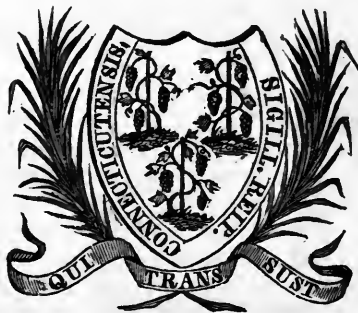
PUBLIC ACTS

OF THE

STATE OF CONNECTICUT,

PASSED MAY SESSION, 1839.

PUBLISHED AGREEABLY TO A RESOLVE OF THE GENERAL ASSEMBLY,
UNDER THE SUPERINTENDENCE OF THE
SECRETARY OF SAID STATE.



State of Connecticut, ss:

OFFICE OF THE SECRETARY OF SAID STATE, JUNE, 1839.

HARTFORD:

PRINTED AT THE COURANT OFFICE.

1839.

PUBLIC ACTS.

CHAPTER I.

An Act providing for the safe keeping of the Arms belonging to the State of Connecticut.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That it shall be the duty of the commanding officer of any company to which the arms of this State have been distributed, to place the same in charge of an agent appointed or to be by him appointed for keeping the same, and whenever said arms shall have been used, to cause the same to be immediately returned to said agent, who shall thereupon take charge of, thoroughly clean and safely deposite said arms in some secure place ; and said agent shall suffer said arms to be used for company exercise or review only—and for any failure, to perform the duties imposed by this act, said commanding officer shall be liable, on satisfactory proof of such failure to be deprived of his commission by the General Assembly ; and such agent shall be paid in the manner provided in the fourth section of the “ Act in addition to and alteration of an act entitled an act to authorize the distribution of arms belonging to the State of Connecticut.”

Duty of commanding officers of companies as to the arms of the State, that are distributed, &c. Duty of agents, &c.

SECT. 2. It shall be the duty of the selectmen of each town in which said arms are deposited, annually, or as often as the quarter master general shall direct, to inspect the condition of said arms, and to report to the quarter master general any failure of any commanding officer or agent aforesaid, to perform the duties imposed by this act, and the quarter master general is hereby authorized and empowered, if in his opinion it shall appear that the provisions of this act are not complied with, to cause said arms to be returned to the arsenal ;

Duty of selectmen in towns where State arms are deposited.

Duty of justices of the peace and grand jurors to report, &c.

and it shall also be the duty of any justice of the peace, or grand juror, to report to the quarter master general all violations of this act.

SECT. 3. *Be it further enacted*, That all laws, inconsistent herewith, are hereby repealed.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER II.

An Act to Confirm the Doings of Towns and the Assessors in certain cases.

Confirming certain acts of towns and assessors.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That whenever any town in this State, may have appointed its assessors and board of relief at its annual meeting in the month of October, and at said meeting holden by adjournment on a subsequent day in said month, may have filled any vacancy in the list of said officers, occasioned by death, removal, refusal or incapacity from sickness, or whenever the assessors in any town, may have omitted to sign or return an abstract of the assessment list of their respective towns, or to lodge the same in the town clerk's office of said town, by the first day of December in each year, the assessment list of said town, shall not for such cause, be adjudged void. And all taxes which have been or shall hereafter be levied and imposed according to said assessment list, may notwithstanding, be levied and collected. *Provided*, that no claim, which is the subject of any suit or action now pending, shall in any manner be affected by the provisions of this act.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER III.

An Act in alteration of an Act entitled "An Act to establish the Stamford Bank;" passed May, 1834.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened*, That the debts of said corporation, whether by bond, bill or note, shall not at any time exceed fifty per cent. over and beyond the total amount of the capital stock actually paid

The debts of the bank not to exceed 50 per cent. be-

in, and of the monies deposited in said bank for safe keeping; and that so much of the eighth section of said act as provides that such debts shall not exceed the amount of such capital stock and deposits be, and the same hereby is repealed.

SECT. 2. If on the failure of said corporation, the debts thereof by bond, bill or note as aforesaid, shall exceed fifty per cent. over and beyond the total amount of the capital stock of said bank actually paid in, and of the monies deposited in said bank for safe keeping at the time when such excess of indebtedness was contracted, then the president, directors and cashier of said corporation, who have caused or assented to such excess, shall be liable as joint and several debtors to pay the notes and bills of said corporation of the denomination of one hundred dollars and under; and that the 12th section of the said act of which this is an alteration, except the two provisos, be, and the same is hereby repealed.

yond the amount of capital paid in and deposited for safe keeping.

If on failure of said bank, said excess of indebtedness exceeds fifty per cent. as aforesaid—who to be liable.

Approved June 1, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER IV.

An Act in alteration of an Act entitled an Act to incorporate the Tolland County Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That the last clause in the sixth section of said act, be so amended as to read as follows: The debts of the corporation, whether by bill, bond or note, shall not at any time exceed fifty per cent. over and above the capital stock actually paid in, and the monies deposited in said bank for safe keeping; and all acts or parts of acts, inconsistent herewith, are hereby repealed.

SECT. 2. *Be it further enacted,* That the provision in said act, requiring the directors of said bank to give bonds, be, and the same is hereby repealed.

Approved May 24th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER V.

An Act to incorporate the Plainfield Savings Bank.

The Plainfield
Savings Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That Arnold Fenner, Erastus Lester, Sessions Lester, William A. Lester, Isaac K. Cutler, Jeremiah S. Webb, Ira Hyde, Nathaniel Frinck, Allen Harris, Abel Kennedy, William P. Darbe, Daniel Wheeler, Daniel Wheeler, jr., Joseph S. Gladding, William Storrs, George Kenyon, John Dunlap, Morey Burgess, Sanford Boyden, Lyman Spalding, Gardner Rouse, Henry Douglass, Samuel Humes, John Wheeler, Jesse H. Medbury and William Dyer, be, and they are hereby incorporated by the name and style of the Plainfield Savings Bank, and that they and such others as shall be duly elected members of said corporation, shall be and remain a body politic and corporate, by the name and style aforesaid.

Amount to be
received of one
individual and
no more in any
one year.

SECT. 2. Said corporation shall be capable of receiving from any person or persons, any deposit or deposits of money not exceeding two hundred dollars, either directly or indirectly, from any individual in any one year, and to use and improve the same at their discretion, as hereinafter provided.

To loan money
on mortgage of
real estate, &c.

SECT. 3. All deposits of money received by said corporation, shall be used and improved to the best advantage, by loaning the same, by order or consent of a majority of the directors, on mortgage of real estate or other undoubted security, and in a manner not inconsistent with the laws of this State; and the funds of said corporation may be vested by purchase in bank stock in any bank in this State; or in the State of Rhode Island, or any other public stock of any State, or of the United States; and said society may dispose of the same, from time to time, to such an amount as will meet the demand for deposits; and the income or profits thereof, shall be applied and divided among the persons making the deposits, their executors or administrators, in just proportions, with such reasonable deduction as may be chargeable thereon, and the principal of such deposit or deposits, may be withdrawn, by the owner or owners thereof, or by any other person or persons duly authorized for that purpose, on giving notice of such intention in writing, and lodging the same with the secretary of

The funds how
vested, &c.

said corporation, at least four months previous to withdrawing such deposite or depositories.

SECT. 4. Said corporation shall at their annual meeting in June, elect by ballot, any other person or persons, to be members of said society, in case of any vacancy, so that the members shall not be reduced below twelve in number.

The members not to be reduced below 12 in number.

SECT. 5. Said corporation may have a common seal, and all deeds, grants, covenants, and agreements, made by any person by their authority and direction, according to the bye-laws of said society, shall be good and valid; and said corporation may sue and be sued, may defend, and shall be held to answer by said corporate name.

May have a common seal, &c.

SECT. 6. A meeting of the members of said society shall be held at said Plainfield, in the month of June annually, and at such other times as they shall judge expedient, and any seven members of said corporation, the president, a vice-president, treasurer or secretary being one, shall be a quorum. And said corporation at their annual meeting, shall elect a president, vice-president, five directors, and all other such officers as to them shall appear necessary, which officers shall continue in office one year, and until others are chosen in their room.

When to meet—quorum how formed—to elect their officers at their annual meeting.

SECT. 7. No president, vice president or trustee of said corporation, shall be entitled to, or receive any compensation for his services, and no member thereof shall be the hirer or borrower, or surety for any hirer or borrower, (of the funds of said corporation,) or any part thereof.

President, &c. to have no compensation for services.

SECT. 8. Said corporation shall have the power of making bye-laws for the more orderly managing of the business of said corporation, provided the same are not repugnant to the constitution and laws of this State.

To make bye-laws, &c.

SECT. 9. Arnold Fenner, Esq. is hereby authorized to call the first meeting of said corporation, by causing personal notice to be given to the members thereof, of the time and place of holding said meeting, in the month of June, 1839.

Who to call the first meeting.

SECT. 10. It shall be the duty of the president and directors of said corporation, to make annual report of the depositories and dividends declared and made. *Provided always*, that this act, or any part thereof, may be altered, amended or repealed, at the pleasure of the General Assembly.

To make report, &c.

Approved June 1st, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER VI.

An Act in addition to an "Act to Incorporate the City of Bridgeport."

Common council may open drains and designate the places, depth and width of said drains, &c.

Liquidate the expense, apportion and assess the costs, &c.

If aggrieved by the doings of the common council may apply to the next county court—mode of service and time, &c.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That whenever the court of common council of said city, shall judge it conducive to the health of the inhabitants, to open and establish drains in said city, said court of common council may designate the places where such drains shall be opened, and the depth and width and manner of building thereof. And such drains may be opened through lands of individual proprietors, also through public highways, and said court of common council may employ suitable persons to open such drains, and from time to time cleanse and repair the same, and may adjust and liquidate the expense thereof; and apportion and assess the same, upon the several proprietors of lands, through which drains are made, and also upon the proprietors of such grounds as are drained thereby, and such assessments shall be collected in the same manner and form as is prescribed in the forty-sixth section of the act to which this is an addition; and the same powers are hereby granted and same duties enjoined. *Provided always,* that if any person shall be aggrieved by the doings of the common council under this act, he or they, shall have the privilege of preferring their complaint to the next county court in the county of Fairfield against said city, by leaving a copy of such complaint, with the city clerk, at least twelve days before the sitting of said court, and if said court on hearing such complaint, shall be of opinion that any part of such expense so incurred, ought to be borne by said city, said court shall order that said complainant be relieved from the payment of such part, or the whole of such expense, as to them may appear just and equitable; and if it should appear that such complainant hath actually paid any sum or sums of money, which ought to be refunded, said court may grant execution in favor of such complainant against said city.

Approved May 29th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER VII.

An Act altering the limits of the City of Bridgeport.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That from and after the passing of this act, all that part of the present city of Bridgeport, lying and being upon the easterly side of Pequonoc river and Bridgeport harbor, shall cease to be, and no longer form a part of the city of Bridgeport, and that the inhabitants dwelling within said part shall thereafter be released from, and no longer subject to the government, laws or regulations of said city. And that all the inhabitants, being electors of this State, dwelling within the original limits of said city, exclusive of the said part hereby set off, shall be and remain a body politic and corporate, by the name of the mayor, aldermen, common council and freemen of the city of Bridgeport, with all the powers, rights, and privileges, now by law conferred on them, so far as the same are consistent with the provisions of this act, and no further.

SECT. 2. Whereas, said city of Bridgeport have heretofore subscribed to the capital stock of the Housatonic rail road company, the sum of one hundred and fifty thousand dollars in the whole; and to raise money for the payment in part of said stock so subscribed, have caused scrip to be issued, to the amount of one hundred thousand dollars, payable at a future day, and bearing interest; and it is expected that further scrip will be issued to raise money for the balance of said subscriptions,

Be it further enacted, That the inhabitants residing in said part hereby set off from said city, shall be, and remain liable for the payment to said city, of their just and rateable share of said sum so subscribed to said stock, according to the assessment list of 1839, together with the interest which has accrued, or which shall hereafter accrue upon their said share, at the same rate of interest payable by said city upon said scrip, at the same times and in such proportional sums as said city shall be liable, according to the tenor of said scrip so issued, and to be issued as aforesaid, to pay and redeem the interest and principal thereof, and that the inhabitants of said part so set off as aforesaid, shall also be, and remain liable to pay to said city their just and rateable share, according to the assessment list aforesaid, of all other debts now out-

Liability of those set off for their rateable share of the scrip to aid the rail road, &c. and other previous debts &c. to be ascertained by the common council, &c.—duty of selectmen.

standing against said city; and the county court for the county of Fairfield is hereby authorized, upon the application of the common council of said city, within sixty days from the passage of this act, to liquidate and ascertain the sums so to be paid by the said inhabitants residing in said part hereby set off, and when so liquidated and ascertained, the selectmen of the town of Bridgeport for the time being, shall have power, and authority is hereby given to them, and they are hereby directed to assess the sum to be paid by said inhabitants residing in said part hereby set off, as their proportion of the outstanding debts of said city, exclusive of the debts on account of the subscription to said stock, upon the polls and rateable estate of said inhabitants, and cause a warrant to be issued for the collection thereof, signed by a justice of the peace, and directed to the collector of said city for the time being, who shall proceed with, and collect said tax and pay over the same to the treasurer of said city, in the same manner as though said tax had been laid by said city. And so in like manner, the sums to be paid by said inhabitants as their proportion of the sum subscribed to the stock of said Housatonic rail road company, and the interest thereon, may be assessed upon the polls and rateable estate, and from time to time collected of said inhabitants as the same shall become payable, according to the provisions of this act: and the sums so to be assessed and collected as aforesaid of said inhabitants, shall be assessed upon the assessment lists last perfected before such assessment shall be made.

Fire engines
and house, by
whom owned
—and how di-
vided.

SECT. 3. *Be it further enacted*, That the fire engine house recently erected by said city, and the three fire engines hitherto owned by said city, and the stock so subscribed by said city in the Housatonic rail road company, shall belong to, and be owned by said city, and said inhabitants residing in the part hereby set off, in proportion to the amount of their assessment lists of 1839, and upon the application of either party, the county court for the county of Fairfield is hereby authorized, and fully empowered to divide said property between the said parties accordingly.

East Bridge-
port incorpora-
ted—powers of
&c.

SECT. 4. For the purpose of holding, managing and disposing of said property, said inhabitants residing and to reside in the said part so hereby set off, are hereby made and constituted a body politic and corporate, by the name of East Bridgeport, with power by that name to sue and be sued, plead and be impleaded, defend and be defended in any court of record or elsewhere, and to

appoint such agents and officers, and adopt such regulations, acts and bye-laws, as they shall deem necessary for the management and disposition of said property, or any part thereof.

SECT. 5. The first meeting of said corporation may be called by either two of the selectmen of the town of Bridgeport, they causing notice of the time and place of holding such meeting to be published at least two weeks previous thereto, in some public newspaper printed in said city of Bridgeport, and at which said meeting, the first or senior selectman of said town, present at such meeting, shall preside, and no person shall be permitted to vote at said meeting or any other meeting of said corporation, who shall not be legally qualified to vote in town meeting.

The first meeting how called and proceeded with.

SECT. 6. Said inhabitants, so residing in said part hereby set off, shall be at liberty to appropriate said property or the income or proceeds thereof to the purposes of schooling or any other lawful purpose as they see fit.

Appropriation of incomes, proceeds, &c.

Approved June 5th, 1839.

WILLIAM W. ELLSWORTH.

WHEREAS, it appears to this Assembly, that two mistakes have intervened in an act of the present session, entitled "an Act altering the limits of the city of Bridgeport," passed at the present session; and whereas it is the wish of all parties in interest, that said mistakes should be corrected—

Resolved by this Assembly, That the first of said mistakes be corrected by substituting in the second section, the figures 1838 for 1839, and by substituting in the same section, the word ninety for the word sixty, and that this resolution be regarded as a part of said act.

CHAPTER VIII.

An Act in addition to an Act entitled "An Act to secure the City of Hartford from damage by fire."
Passed May, 1799.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That all buildings which shall be hereafter erected in the city of Hartford, within the fire limits, so called, to be warmed or heated by a chimney, fire-place, stove or pipe or any fire heat, or to be used for curing or drying any provis-

Materials of which the outer walls of buildings erected hereafter in the city of Hartford shall be composed, (if within the

fire limits, so called,) where fire or fire heat is to be used in said buildings, &c.

Penalty for the violation of the first section.

ions or other articles, by means of fire, shall have their outer walls composed entirely of brick or stone, and mortar ; and all additions that may be made to any building already erected, or that may be hereafter erected within said limits, to be warmed, heated or used as aforesaid, shall have their outer walls composed entirely of brick or stone, and mortar. *Provided however*, that such buildings may be otherwise constructed, by licence of the court of common council of said city.

SECT. 2. Every person who shall erect, add to, or cause to be erected or added to, any building within the aforesaid limits, contrary to the provisions of this act, shall forfeit the same amount, and be liable to be assessed in the same manner as is prescribed by the act to which this is an addition, for violating the provisions of said act.

Approved June 1st, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER IX.

An Act in addition to an Act to secure the City of New Haven from Fire.

BE *it enacted by the Senate and House of Representatives in General Assembly convened*, That a strip of flats in New Haven harbor, situated within the canal basin, and adjoining the northerly side of the basin wharf, one hundred feet wide, and extending from the east wall at the west gate, through said basin wharf, to the west wall at the east gate, through said wharf, shall be, and the same is hereby exempted from the provisions of the act to which this is an addition. *Provided*, that this act shall not take effect until the same shall have been approved by the freemen of the city of New Haven, in legal meeting assembled.

Approved May 25th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER X.

An Act to amend the Charter of the City of New Haven.

BE *it enacted by the Senate and House of Representatives in General Assembly convened*, That it shall be the duty of the clerk of the city of New Haven; to cause all

the bye-laws of said city, hereafter enacted, to be published, as is by law provided; and to make entries attested by him of such publication, and of the publication of the present bye-laws of said city, upon the records thereof; and a certified copy by the clerk of said city, of any such entry, shall be evidence of such publication.

Approved May 30th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XI.

An Act proposing to the people an Amendment of the Constitution.

Whereas, at a General Assembly of the State of Connecticut, holden at Hartford, on the first Wednesday of May, A. D. 1837, the House of Representatives passed a resolution proposing an amendment to the constitution of this State, which amendment was continued to the session of said Assembly, held at New Haven, on the first Wednesday of May, 1838, and published with the laws of said session of 1837; and whereas, at the said session of 1838, two thirds of each House of the General Assembly approved of said amendment in the manner prescribed in said constitution, which amendment is in these words, to wit: "*Every white male citizen of the United States who shall have resided in this State one year; attained the age of twenty-one years; and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least six months preceding; and have a freehold estate of the yearly value of seven dollars in this State; or having been enrolled in the militia, shall have performed military duty therein for the term of one year next preceding the term he shall offer himself for admission; or being liable thereto, shall have been by authority of law excused therefrom; or shall have paid a State tax within the year next preceding the time he shall present himself for admission; and shall sustain a good moral character; shall, on his taking such oath as may be prescribed by law, be an elector.*" Now, therefore,

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That the constables in the several towns in this State shall warn the electors in their respective towns to meet on the first Monday in October next, at 9 o'clock in the morning of said day, for the purpose of signifying as hereinafter pro-

Constables to warn the electors in each town to meet on the first Monday of October next, at 9

o'clock, A. M.,
to approve or
disapprove said
amendment.
Presiding offi-
cer how ap-
pointed.

Who to present
said amend-
ment to the
meetings—duty
of presiding of-
ficer.

How to ap-
prove or dis-
approve—votes
to be declared,
&c.

Duty of the
presiding offi-
cers—form of
return of votes,
&c.

vided, their approbation or disapprobation of the proposed amendment; which meeting shall be held at the same places, and the same notice thereof shall be given, as is provided in the first section of an act entitled "an act providing for the appointment of electors of president and vice-president of the United States;" and the presiding officer shall be appointed in the manner prescribed in said act.

SECT. 2. It shall be the duty of the town clerk to present to said meeting, said proposed amendment to the constitution; and after due consideration thereof, the electors present shall be called upon by the presiding officer to bring in to him their respective votes by ballot, regarding said amendment. Those in favor of approving and adopting said amendment, shall give in a ballot with the word "Yes" written thereon; and those who disapprove thereof shall give in a ballot with the word "No" written thereon; which said ballot shall be examined, sorted and counted by the presiding officer, assisted by the town clerk and selectmen, and the number of each, declared in open meeting by said presiding officer.

SECT. 3. The presiding officer in said several town meetings shall under their hands respectively make duplicate certificates of the number of votes so given and ascertained as aforesaid in favor of approving and adopting said amendment, and also of those disapproving of its adoption, in words at full length, one of which shall be deposited in the office of the town clerk in the town in which such meeting shall be held, and the other within ten days after the day of holding said meeting, shall be delivered, sealed up, to the secretary of this State, or to the sheriff of the county to which such town belongs, and said sheriff shall deliver, or cause it to be delivered to the secretary of this State, within fifteen days after the day of said meeting, which certificates shall be in the form following, to wit:

"At a meeting of the electors of the town of
legally warned and held on the first Monday of October,
1839, for the purpose of receiving the votes of said elec-
tors, upon the adoption of a proposed amendment to the
constitution of this State, relating to the admission
of electors, there were given in favor of adopting said
amendment votes, and against the adoption of
the same votes.

Certified by

A. B. presiding officer.

And the superscription of said certificate shall be as follows:

“To the secretary of this State—Votes of the electors of the town of upon the proposed amendment to the constitution, taken and sealed up by
A. B. presiding officer.”

And the secretary of this State shall transmit, on or before the first Monday in September, 1839, blank forms for the return of votes, to be given pursuant to this act, to the town clerks of the several towns in this State, for the use of said towns.

SECT. 4. The votes so returned to the secretary, shall be counted by the treasurer, secretary, and comptroller, on or before the first Monday in November, 1839, who, on or before the fifteenth day of November, 1839, shall transmit a certificate under their hands, of the number of votes so returned, in favor of approving and adopting said amendment, and also of the number of votes so returned, disapproving of the adoption of the same, to the person administering the government of this State, who within twenty days after the receipt of said certificate, shall issue his proclamation, reciting such certificate, and if it shall appear therefrom, that a majority of said votes are in favor of approving and adopting said amendment, he shall so declare in such proclamation, and that a majority of the electors present at such meetings aforesaid, have approved said amendment, and that the same is valid, to all intents and purposes, as a part of the constitution of this State. And if it shall appear from said certificate, that a majority of said votes are not in favor of approving and adopting said amendment, but are opposed to the same, he shall so declare in said proclamation, and that a majority of the electors present at such meetings, have not approved said amendment; and said proclamation shall be published in all the newspapers printed in this State, and recorded in the public records thereof.

Votes by whom canvassed--when canvassed to be delivered to the governor--duty of the governor.

Approved May 29th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XII.

An Act to repeal an Act entitled "an Act in alteration of an act entitled "an Act for constituting and regulating Courts, and for appointing the times and places of holding the same," passed in 1836 ; and for other purposes.

Repeal.

Superior court to be holden at Haddam on the 4th Tuesday in August.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That so much of said act as directs that the superior court, within and for the county of Middlesex, be holden at Haddam, in said county, on the first Tuesday in September, be, and the same is hereby repealed ; and that said superior court, shall instead thereof, be holden at Haddam, in said Middlesex county, on the fourth Tuesday in August.

SECT. 2. That all causes, matters, and things now pending in the superior court, for said county, may be proceeded with, heard, and determined at the next term of said superior court as herein established, in the same manner as if the time of holding said court had not been altered.

Approved, May 31st, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XIII.

An Act concerning the County Court.

The judge of a county court, if disqualified to set in a cause pending before said court—how to proceed.

If the county court commissioners are disqualified so to sit and try a cause—how to proceed in such case.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That whenever the judge of the county court shall be disqualified to sit in a cause pending before said court, which is not appealable, his place shall be supplied by the county commissioners, with such justice of the peace of the county, as they shall select, in which case the first commissioner shall preside, and if either of the commissioners shall be disqualified to sit in a cause, or perform any duties, which would otherwise be by law within his jurisdiction, his place shall be filled by such justice of the peace in said county, as the judge of the county court shall select ; and if the judge of the county court and one of the commissioners are thus disqualified, their places shall be

filled by the other commissioner, with such justices of the peace of the county as he shall select, in which case the said commissioner shall preside; and if the judge of the court and both of the commissioners are thus disqualified, the court shall then be constituted of three justices of the peace of the county, to be selected by the sheriff of the county.

SECT. 2. That all acts inconsistent with this act, be, and the same are hereby repealed.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XIV.

An Act in relation to Depositions.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* Whenever a commission in any suit depending in any court of the United States, or in any court of any other State of the United States, to obtain the testimony of any witness residing in this State, to be used in such suit, shall have issued from the court before which such suit is pending, on producing the same to a judge of the superior or county courts, a judge of probate, a justice of the peace, or any notary public, and on due proof being made to such officer, that the testimony of any witness residing in this State, is material to the party desiring the same, such officer shall issue a summons to such witness, requiring him to appear before the commissioner named in such commission to testify in such suit.

When a commission to obtain testimony of a witness in this State shall have issued in any State, how to proceed.

SECT. 2. If any person shall refuse or neglect to appear before said commissioner, at the time and place mentioned in the summons, or if on his appearance, he shall refuse to testify, the said officer, issuing such summons, shall have the same power to cause such witness to attend and testify, as is provided in the forty-sixth section of the act, "entitled an act for the regulation of civil actions."

A witness refusing to appear or to testify, how to proceed.

SECT. 3. Any judge of the superior or county courts, or of any court of probate or notary public, in this State, shall have the same power, and shall proceed in the same manner, to take depositions to be used in any court of this State or of the United States, or of any other State of the United States, and to cause a witness to attend

Who has power to take depositions, and compel witnesses to appear and testify.

and testify in obedience to a summons issued by him, as now is or may be hereafter provided by law, in relation to justices of the peace.

Fees of witnesses and evidence required, &c.

SECT. 4. Any person attending as a witness before any officer, authorized by law to take depositions, shall receive the same fees as now is, or hereafter shall be provided by law, in relation to witnesses attending before any court in a civil suit, and before any compulsory process shall issue to cause any witness to attend and testify before said officer, it shall appear to the officer taking the deposition, or in the case of a commissioner, to the officer issuing the summons, that such witness has been duly summoned, and the amount of his fees tendered to him, by the officer serving the same.

Approved May 22d, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XV.

An Act in addition to an Act entitled "an Act for the regulation of Civil Actions."

Property exempt from execution.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That any quantity of charcoal, not exceeding twenty-five bushels, any quantity of coal other than charcoal, not exceeding two tons, any quantity of wheat flour, not exceeding two hundred pounds weight; being the property of any one person, having a wife or family, shall be exempted, and not be liable to be taken by attachment, warrant, or execution, for any debt or tax whatever.

Approved May 25th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XVI.

An Act in addition to and alteration of an Act entitled "an Act to regulate the Election of Senators, and to divide the State into Senatorial Districts for that purpose."

Electors of East Lyme when and how

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That at the meeting of the electors of the town of East Lyme, on the first Monday of April, A. D. 1840, and annually

thereafter, immediately after the choice of a representative in said town, those electors of said town, qualified to vote in the choice of such representatives, living within the seventh senatorial district, shall be called upon by the presiding officer in each of such meetings, to bring in their ballots for a senator in the General Assembly of this State, next ensuing said election, who at the time of holding such meeting shall belong to and reside in said seventh senatorial district, and each elector present at such meeting, belonging within the limits of said district, and qualified as aforesaid, may thereupon, bring in his ballot for such person as he may choose, to be a senator for said seventh senatorial district, with his name fairly written or printed on a piece of paper. Immediately thereafter, the presiding officer as aforesaid, shall call upon the electors of said town of East Lyme, living within the ninth senatorial district and qualified as aforesaid, to bring in their ballots for a senator in the General Assembly of this State, next ensuing said election, who at the time of holding such meeting, shall belong to and reside in the said ninth senatorial district, and each elector present at such meeting and belonging within the limits of said district, and qualified as aforesaid, may thereupon bring in his ballot for such person as he shall choose, to be a senator for said ninth senatorial district, with his name fairly written or printed on a piece of paper: and the votes so given in, shall be separately received, counted, returned, canvassed and declared, in the manner now provided by law for the choice of senators.

SECT. 2. The presiding officer, in the meetings of the electors of said town of East Lyme, shall make out the certificate of the votes for senator of the seventh and ninth senatorial districts as follows, viz.—

At a meeting of the electors of the seventh senatorial district, in the town of East Lyme, legally warned and held on the first Monday of April, A. D. the following persons received the number of votes annexed to their respective names, for a senator for the seventh senatorial district.

Names.	} Number of votes in words at full length.
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Also at a meeting of the electors of the ninth senatorial district, in the town of East Lyme, legally warned and held as aforesaid, the following persons received the

to vote for representative and electors in the seventh senatorial district—duty of presiding officer.

Electors residing in East Lyme within the ninth senatorial district to vote for a senator in said ninth district.

Presiding officer in East Lyme to make return of votes for senator in the 7th and ninth senatorial districts given in said East Lyme—form of return.

number of votes annexed to their respective names, for a senator of the ninth senatorial district.

Names.	} Number of votes in words at full length.
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Duplicate list of votes for senator of the seventh and ninth senatorial districts.

Certified by A. B. presiding officer.

SECT. 3. The presiding officer in making out said certificate, to be returned to the secretary of State, shall insert the number of votes in words at full length.

SECT. 4. The superscription of said certificate to be returned to the secretary of State, shall be as follows :

To the Secretary of State—

Votes of the electors of the town of East Lyme, for senators of the seventh and ninth senatorial districts, taken and sealed up by

A. B. presiding officer.

SECT. 5. The votes thus returned, shall have the same force and effect as they have been heretofore entitled to, under the provisions of the act to which this is an addition, any law to the contrary notwithstanding.

Approved June 5th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XVII.

An Act in relation to the Adjournment of Electors Meetings.

In case of failure to elect representatives on the first Monday of April, said meeting may be adjourned, by a majority of electors, to second Monday of said April, and not afterwards.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That if the electors in any town, shall fail on the first Monday of April, to elect the representative or representatives, to which said town may be by law entitled in the General Assembly of this State, said meeting of electors may be adjourned by a vote of a majority of the electors present, to the second Monday in the same month, at 9 o'clock in the morning ; but said meeting shall not be a second time adjourned for the purpose aforesaid.

SECT. 2. The third section of an act, passed in the year 1836, entitled "an act in addition to, and in alteration of the act, regulating the election of governor, lieu-

Repeal.

tenant governor, senators, members of the house of representatives, treasurer and secretary," be, and the same is hereby repealed.

Approved, June 5th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XVIII.

An Act in alteration of an Act entitled "an Act providing for the Election of Sheriffs by the People."

SECT. 1. BE *it enacted by the Senate and House of Representatives in General Assembly convened*, Whenever in the election of sheriff in any county, no person shall have received at the meeting of the electors on the first Monday in April, a majority of the votes given for sheriff in the county, the secretary, treasurer, and comptroller shall give public notice of the fact, by publishing the same immediately, with the names of the persons who received the votes of the electors, in one or more newspapers, published in the county in which such failure of election shall happen, or if there be no newspaper published in such county, in one or more newspapers published in a county adjacent thereto; and thereupon, the electors in such county shall, on the second Monday in May then next, at the same hour and place, in their respective towns, proceed to choose a sheriff. And the person who shall have been ascertained on the return and canvass of the votes, and in the revision of the same by the General Assembly, to have received the greatest number of votes, shall hold and exercise the office of sheriff, as provided in the act to which this is an alteration.

In case of a failure to elect a sheriff on the first Monday of April, the duty of canvassers to advertise notice of the facts, and how—a plurality of votes to elect on second trial.

SECT. 2. So much of an act, entitled "an act providing for the election of sheriffs," as is inconsistent with this act, is hereby repealed.

Approved June 5th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XIX.

An Act to provide for the Registration of the Names of Electors.

Town clerks & selectmen—duty of.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* The town clerk and selectmen of the several towns in this State, shall at least ten days before the first Monday in April in each year, make out correct alphabetical lists of all the persons qualified to vote for the several officers to be elected at that time, designating by placing in distinct columns or otherwise, the names of the electors authorized to vote for all said officers, or only a portion of the same, and specifying which officers; and shall at least ten days before said election, cause such list to be posted upon three or more public places in their respective towns.

Town clerk, &c., when to be in session to examine qualifications of electors—manner of giving notice, &c.

SECT. 2. The town clerk and selectmen shall be in session at some convenient place for a reasonable time, within four days next preceding the meetings for the objects aforesaid, for the purpose of receiving evidence of the qualifications of persons claiming a right to vote in such elections, and of correcting the list of voters; and such session shall be held for one hour at least on the day of such election, and before the opening of the meeting at the place where said meeting shall be held; and notice of the time and place of holding the said sessions shall be given by the town clerk and selectmen, upon the list posted up as aforesaid. *Provided,* that whenever an adjourned meeting of the electors shall be held, in pursuance of the law for the choice of one or more representatives of the town in the General Assembly, that on the day of each of such adjourned meetings, there shall be a session of at least one hour previous to the opening of the meeting, of the town clerk and selectmen, for the purposes aforesaid; and such session shall be at the place of holding said meeting.

Duty of the board as to unqualified electors, &c.

SECT. 3. If it shall appear to said board that any person whose name is on said list is not a legally qualified elector, it shall be their duty to erase the name of such person from said list: and it shall be the duty of said board to add to said list the name of any person whom they shall find to be a legally qualified elector, which shall have been omitted in making out the same.

SECT. 4. If any person shall give a false name, or any false answer, to the board of town clerk and selectmen, when in session as provided in this act, he shall forfeit the sum of twenty dollars, to be paid into the State treasury.

Forfeiture for false answer, \$20.

SECT. 5. The moderator of any electors' meeting shall receive the votes of all persons whose names are on the lists of voters as certified by the town clerk and selectmen, and he shall not receive the vote of any person whose name is not on said list; and the name of each elector at the time of voting, shall be checked by the town clerk or one of the selectmen, or by one or more persons appointed by them: and the original list of voters as made out by said board, and the list or lists used on the day of the election, with the marks and checks upon the same, shall be lodged with, and carefully preserved by, the town clerks of the several towns.

Moderators duty—who to check electors names—checks and register book to be lodged with town clerk.

SECT. 6. Every legally qualified elector of any town in this State, having resided in the State the time required by law, shall be authorized to vote in any other town in the State for governor, lieutenant governor, secretary, treasurer and comptroller; and any such elector shall be authorized to vote in any town in the congressional district in which he resides, at any election for a member of congress in said district; and any such elector shall be authorized to vote in any town in the county in which he resides, at any election for sheriff for said county. *Provided*, if such elector offers his vote in any other town than the one in which he may lawfully vote for representatives, he shall produce a certificate from the town clerk of the town in which he shall have been admitted an elector, of such his admission. And said town clerk and selectmen, in addition to the sessions prescribed by this act, shall be in session during the time of voting, for the purpose of registering the names of such legally qualified electors only, as reside in other towns than the one in which they offer to vote; and the certificates required by law to be produced by such electors, shall be placed in the possession of the town clerk, who shall preserve the same.

Who may vote on days of election—where & for what officers,—certificates where lodged.

SECT. 7. The town clerk and selectmen shall be sworn to a faithful performance of the duties prescribed in this act, and if the town clerk, or any member of the board of selectmen, shall, without just or reasonable cause, refuse or neglect to discharge any of the duties herein prescribed, he shall, on conviction, be subject to a fine of fifty dollars, payable to the treasury of the county where

Town clerks, &c., to be sworn—penalty for refusing to act—fraud punished by fine of \$200.

said officer resides, and if either of them shall be guilty of fraud in performing said duties, he shall be liable to a fine of two hundred dollars, payable to the treasury of the State.

SECT. 8. All acts and parts of acts inconsistent herewith, are hereby repealed.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XX.

An Act in addition to the Act entitled "an Act for the settlement of Estates, testate, intestate and insolvent."

Courts of probate empowered to order the sale of real estate to pay legacies in certain cases.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That wherever a pecuniary legacy is given by will, and the payment thereof is charged upon the real estate of the testator; or wherever real estate is devised to be sold and the avails to be paid over to one or more persons, and no provision is made by the will for the sale of such real estate, or no person is designated to sell the same who is alive and capable and willing to act, the court of probate within whose district such will shall have been proved and established, shall have power to order the sale of such real estate, or so much thereof as may be necessary to effectuate the intention of the testator, together with incidental charges.

In what cases where real estate is to be sold to pay debts, and incumbered by mortgage, and subject to the widow's dower, the court of probate may order the sale, and upon what conditions.

SECT. 2. When it is necessary that any real estate of a deceased person should be sold for the payment of debts, and said estate is incumbered by mortgage, and is also subject to the widow's dower, the court of probate which has jurisdiction over the estate, may with the consent of the widow, certified in writing, which certificate shall be recorded in the records of said court, order the sale of the whole equity of redemption, without excepting the right of dower, and on sale being made, and the avails ascertained, said court shall have power to order the value of the widow's interest in the equity of redemption to be deducted from said avails and paid over to her in gross, in lieu of dower therein; the value of which interest shall be assessed by said court, or by one or more indifferent freeholders, under oath, appointed by said court for that purpose.

Approved June 1st, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXI.

An Act in addition to an Act entitled "an Act prescribing the number of Jurymen for each town in this State."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the town of East Lyme, in the county of New London, shall be and is hereby entitled to select six jurymen and no more, in the manner and for the purposes prescribed in the act regulating civil actions; and the town of Lyme shall hereafter be entitled to thirteen jurymen and no more.

East Lyme to select six jurors and Lyme to select thirteen.

Approved June 3d, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXII.

An Act declaring valid the doings of a Town Meeting therein named.

WHEREAS the town of East Windsor, hath heretofore designated and determined other places than the sign posts in said town, at which notifications of town meetings in said town should be set up; and whereas, there have been divers omissions in notifications for town meetings in said town, to give notice otherwise than according to the general provisions of the statute, by posting notices on the sign post or sign posts; therefore

BE it enacted by the Senate and House of Representatives in General Assembly convened, That none of the doings of the meetings of said town of East Windsor, heretofore held, whether said doings relate to the appointment of town officers, the granting of taxes, or the transaction of any other business whatever, shall be deemed invalid by the omissions aforesaid, but such meetings and all their doings, if in other respects regular and conformable to law, shall, and are hereby declared to be valid.

Confirming the doings in town meetings in East Windsor.

Approved May 20th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXIII.

An Act to incorporate the Firemen's Benevolent Society of the City of Hartford.

Firemen's benevolent society of the city of Hartford, incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That William Hayden, James B. Shultas, James B. Crosby, Allen S. Stillman, Randolph Stockbridge, Horace Sexton, Daniel Studley, Henry Benton, 2d., William H. Hoadley, Walter Loveland, Thomas J. Scott, John D. Russ, George M. Bartholomew, John Carter, and all others, who are or may be associated with them hereafter, be and they hereby are, with their successors and assigns, made and established a body politic and corporate, by the name, style and title of the firemen's benevolent society of the city of Hartford, and that they and such others shall be and remain a body politic and corporate, by the same name, style and title forever.

Object of said corporation.

SECT. 2. Said corporation is formed for the purpose of aiding such of its members (or the widows and children of such of its members,) as may stand in need of its assistance, and such other objects connected therewith, as may conduce to the comfort, interest and respectability of the firemen of the city of Hartford.

May have a common seal—hold and purchase property not to exceed \$10,000—to sue and be sued, &c.

SECT. 3. Said corporation may have a common seal, which they may change and renew at pleasure; they may also purchase, hold, possess and enjoy, to them, their successors and assigns, any goods and effects, lands and tenements, provided that the same shall at no time, exceed the sum of ten thousand dollars, and the same to sell and dispose of at pleasure; also to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court of record or elsewhere.

Power to hold meetings, appoint officers, make bye laws, &c.

SECT. 4. Said corporation shall have power to hold meetings, appoint all needful officers, to make bye-laws relative to the admission, expulsion, and to the taxing of its members, relative to the meetings of the society, the duties of its officers, and the management and disposition of its property; and generally to make any bye-laws necessary to carry into effect the objects of the society, not repugnant to the laws of this State, or of the United States.

SECT. 5. This act shall be subject to be altered, amended or repealed, at the pleasure of the General Assembly.
Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXIV.

An Act in addition to an Act entitled "an Act accepting the Deposit of a portion of the Surplus Funds belonging the United States;" providing for the safe keeping thereof, and appropriating the interest accruing therefrom for the promotion of Education, and other purposes.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That in case of the division of any town which has received, or shall hereafter receive or hold a proportion of the money which hath been or shall be received from the United States, by virtue of the act of Congress, entitled "an act to regulate the deposits of the public money," and in case of the division of said money on the securities therefor, betwixt the towns so constituted, it shall be lawful for the treasurer of this State, to deliver up the receipt of such town in his hands, and in lieu thereof, to receive new receipts for the same, of the agents of such towns respectively. And said towns on receiving the said money or securities therefor, shall enjoy the same rights, and be subject to the same liabilities touching the same, as other towns possess, and are subject to, by virtue of the act, to which this is an addition.

Providing for a division of the surplus fund in towns that shall be divided hereafter.

SECT. 2. That the several towns in this State, and each of them, which have not received their proportion of the surplus funds belonging to the United States, deposited with this State, be, and they are hereby authorized and entitled to receive the same, on the terms specified in the act to which this is in addition; and whenever any town which has not received its said proportion of said funds, shall signify to the treasurer of this State, its desire to receive the same, on the terms specified in the act aforesaid, it shall be the duty of said treasurer, within a reasonable time thereafter, to collect of the person, persons or corporation, to which it may have been loaned, under the first section of said act, that proportion of said fund, to which said town may be entitled on the

Providing for the towns which have not received their proportion of the surplus fund—to receive the same, upon the same terms which other towns have received it.

terms and according to the provisions and requirements of said act.

Treasurer authorized (on what conditions) to give release deeds of lands mortgaged to this State, &c.

SECT. 3. When the money which has been loaned, or may hereafter be loaned by the treasurer of this State, under the act aforesaid, shall have been received by him, he is hereby authorized and empowered to execute release deeds of any real estate which may have been mortgaged to this State, as security for payment of monies so loaned by him, which release deeds shall discharge all liens created on said real estate, in favor of this State, by the mortgage aforesaid.

How the agents of the town-deposit fund are authorized to loan money, belonging to said fund.

SECT. 4. That the agent or agents, if the town shall so direct, of the town deposit fund, be, and they are hereby authorized to loan the money in their hands, belonging to said fund, on the security of the certificates of debt legally authorized of any town or city of this State, any law to the contrary notwithstanding.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXV.

An Act in addition to "an Act in addition to and alteration of an Act, entitled an Act concerning Gaols and Gaolers." Passed in 1837.

In case a prisoner after conviction, be set at work, being destitute of property, &c.—upon what terms the State attorney may discharge such prisoner or prisoners.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That when the county court in any county has determined and required, or shall hereafter determine and require that all prisoners, after trial and conviction, shall be set at work, according to their strength and ability; every prisoner so held for fine and costs, or either of them only, having neither property or means of satisfying the same, or ability to secure the payment thereof, the State attorney for the county shall discharge such prisoner from said imprisonment, whenever, by computing said labor at the rate of two dollars a week, the same shall amount to said fine and costs. *Provided*, no such prisoner shall be held in gaol, for the costs on any one conviction, for a longer period than four months.

Approved June 5th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXVI.

An Act in alteration of an Act entitled "an Act for the fulfilment of the obligations of this State, imposed by the Constitution of the United States, in regard to persons held to service or labor in one State escaping into another, and to secure the right of Trial by Jury, in the cases herein mentioned." (Enacted in 1838.)

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever any person shall have been arrested in any county in this State, on a writ of habeas corpus, agreeable to the first section of the act of which this is an alteration; on return of the writ with the body of the person so arrested, it shall be the duty of the court or judge, before whom the same is returnable, to hear the allegations and proofs of the parties, or if required, to allow reasonable time to produce further necessary proof, and in such case, to commit the person so claimed and arrested as a fugitive, to the custody of the sheriff of said county for safe keeping; or to take a bond with sufficient sureties, in such penalty as the judge or court shall deem sufficient, conditioned that he shall appear before such judge or court, at the time and place therein specified, to abide the order and decision of the court or judge having cognizance thereof, in relation to such claim.

Any person arrested on a writ of habeas corpus in this state &c. the court, after proof, may commit the person claimed as a fugitive, to the custody of the sheriff, or take a bond &c.

SECT. 2. *Be it further enacted,* That the third section of the act of which this is an alteration, be, and the same is hereby repealed.

Repeal.

Approved May 20th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXVII.

An Act declaring valid the doings of a Town Meeting therein named.

WHEREAS, the town of Harwinton, hath heretofore designated and determined other places than the sign-posts, at which notifications of town meetings in said town, shall be set up; and whereas, there was an omission to set up notices of the annual town meetings in the falls of

1835, 1836, 1837, and of 1838, upon the several school houses in the said town, and also upon one of the sign-posts in said town, but notification was, in all other respects, given according to law ; therefore

Confirming the acts of town meetings in town of Harwinton.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That none of the doings of the said town meetings, in either of said years, either in the appointment of town officers, the granting of taxes, or the transaction of any other business, shall be deemed invalid by reason of the omission aforesaid ; but such doings, if in other respects conformable to law, are hereby declared to be valid.

Approved June 1st, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXVIII.

An Act in relation to the Partition of Lands.

Partition of lands of different titles may be affected by writ of partition.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, Whenever the same persons, either as joint tenants, tenants in common or coparceners, shall be the owners of different parcels of real estate, held by them, under different titles, partition of such real estate may be made between such joint owners, by writ of partition or otherwise, in the same manner as though the whole of said real estate were held by them under one and the same title.

Powers of probate courts to appoint distributors on property held by different titles, as though it was held by the same title.

SECT. 2. Whenever different parcels of real estate shall have descended to the same persons, as the heirs at law of different intestates, or shall have been devised to the same devisees, by different testators, the court of probate to which the settlement of all the several estates of such deceased persons shall appertain and belong, may cause such real estate to be distributed to and among such joint owners, by distributors for that purpose appointed, in the same manner as though the whole of such real estate were held under one and the same title ; and such distribution so made and accepted by said court of probate, shall be good and effectual in the law, as if the said parcels of real estate had been separately aparted.

Powers of the superior court as a court of equity.

SECT. 3. The superior court may and shall have authority as a court of equity, to cause partition to be made of any real estate held by any persons as joint tenants, tenants in common or coparceners ; which partition

shall be recorded in the records of the town or towns in which said lands may be situated.

Approved May 29th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXIX.

An Act in addition to an Act entitled "an Act securing to Mechanics a Lien on Land and Buildings," and the Act in addition thereto.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That the lien upon land and buildings, created by the acts to which this is in addition, be and the same hereby is extended to the claims of sub-contractors for the performance of labor alone, or for such labor, together with the furnishing of materials, upon any dwelling house, or other building or edifice, hereafter erected or repaired, whenever the amount of such claim, or claims due any one person or firm, shall equal the sum of fifty dollars, which said lien shall remain and be proceeded with in the manner provided in said acts. *Provided*, that no such claim shall be a lien on such building, except as hereafter provided, unless the agreement made by the sub-contractors with the original contractors, shall be in writing, nor unless the proprietor, or the person originally contracting for the erection or repairing of any such building or edifice, shall assent in writing to said agreement.

Liens on buildings, to whom extended and in what manner.

SECT. 2. The lien created by this act shall not remain on the land and building to which the same shall attach, for a longer period than sixty days after such building is finished or such contract terminated, unless the person claiming the same, shall lodge with the town clerk of the town in which said building is situated, a notice or certificate in writing, describing the premises and the amount claimed as a lien on the same, which notice when left, shall be recorded by the town clerk with deeds of land.

How long said lien shall remain, and upon what terms and requisites.

SECT. 3. No lien shall attach to any land and buildings in favor of any sub-contractor, or sub-contractors, as aforesaid, to a greater amount in the whole, than the amount due to the original contractor. And when there are several sub-contractors and the amount due to them from the original contractor or contractors, exceeds the amount due to said original contractor, the lien of said sub-contractors who shall have complied with the pro-

Amount of lien in favor of sub-contractors. If more than one sub-contractor, how proportioned if the debts exceed the value of the property pledged.

visions of this act, shall be in proportion to the amount of the debts respectively due to them by the original contractor.

How to proceed when contractors become insolvent, &c.

SECT. 4. Whenever any contractors for the erection of any building shall become insolvent, the amount due to such contractor for the same, after notice in writing to the person or persons from whom said amount is due, of the insolvency of said contractors, shall be retained as a fund in the hands of such person or persons, subject to the payment of the claims of all persons, entitled to a lien by the provisions of this act, and the superior or county courts in the county in which such building shall be erected or repaired, shall have power, on application of any person interested, to direct the manner in which said claim shall be paid.

SECT. 5. The superior and county courts shall have full powers as courts of chancery, to determine all questions arising under this act, and the acts to which this is an addition.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXX.

An Act to repeal certain Acts therein mentioned.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the act entitled "an act to authorize the distribution of the arms belonging to the State of Connecticut;" and the "act in addition to and in alteration of an act entitled "an act to authorize the distribution of the arms belonging to the State of Connecticut," except the fourth section of the last mentioned act, be, and the same are hereby repealed.

CHAPTER XXXI.

An Act in addition to and in alteration of an Act entitled "an Act for forming and conducting the Military force."

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That on days of regimental or battalion inspection or review, the companies shall take rank, and be drawn up, in accord-

ance with the system of tactics, published by the department of war, under the authority of an act of Congress, of the second of March 1829, and established by law as the system of discipline and field exercise for the militia of this State.

SECT. 2. That all acts which are inconsistent with this act, be, and the same are hereby repealed.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXXII.

An Act in addition to an Act entitled "an Act for forming and conducting the Military Force."

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That every free, able-bodied white male citizen of this State, or resident therein, who shall be of the age of eighteen and under the age of forty-five years, shall be enrolled in the militia, and every such citizen, although exempt by law from the performance of military duty, shall be enrolled in the standing company of infantry, within whose bounds he may reside, by the commanding officer thereof, and shall be included in the military returns, provided, that nothing herein contained, shall be so construed as to render any person subject to military duty, now exempt therefrom by law.

Who are to be enrolled in the militia.

SECT. 2. That each captain or commanding officer of a company shall make a return of the state of his company, comprehending all the men belonging thereto, or required to be enrolled therein, and all their arms, equipments, and ammunition, to the commanding officer of the regiment or battalion, on or before the first day of June, annually.

Duty of captains to make returns to the commanding officer of the regiment, &c. on or before the first of June annually.

SECT. 3. That each commanding officer of a regiment or battalion, shall make a return of the state of his regiment or battalion, to the commanding officer of the brigade, on or before the first day of July, annually, and every commanding officer of a brigade shall make out duplicate returns of the state of his brigade, one of which he shall transmit to the commanding officer of the division to which he belongs, and the other to the adjutant general, in the month of July, annually.

Duty of commanding officers of regiments and battalions to make returns to brigadier general by the first of July, &c.
Duty of brigadier general to make returns.

If a company is without commissioned officer, how to proceed.

SECT. 4. When it shall appear to the commanding officer of a regiment or battalion, that any company within his command is without a commissioned officer, he shall, for the purpose of obtaining the return of such company, require in writing, the selectmen of the town or towns in which said company is situated, to make out and return to him, within ten days, a list of the names of all the persons liable by law, to duty or to be enrolled therein.

Fines incurred for neglecting to make returns.

SECT. 5. That the fines and penalties incurred, for neglecting to make returns in the manner, and within the time prescribed by this act, shall be as follows: each captain or commanding officer of a company, who shall neglect to make returns, for each instance of such neglect, ten dollars; each commanding officer of a regiment or battalion, who shall neglect to make returns, for each instance of such neglect, twenty-five dollars; each commanding officer of a brigade, who shall neglect to make returns, for each instance of such neglect, fifty dollars; every brigade major and inspector, who shall neglect to make the returns required of him by law, for each instance of such neglect, fifty dollars; the selectmen of any town neglecting to return a list of the men in any company without officers, shall, for each instance of such neglect, forfeit and pay, a fine of not more than fifty or less than ten dollars; and the burden of proof, shall, in all cases, be on the defendant, which fines and forfeitures are to be prosecuted for by the officer to whom the respective returns should be made, in any court of competent jurisdiction, and paid into the treasury of the State.

Penalty on selectmen, neglecting to return a list of the men in a company without officers.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXXIII.

An Act in addition to an Act entitled "an Act for forming and conducting the Military Force."

Quarter master general to return the distributed arms to the arsenal, under act of 1837—not accepted and not in use by said company.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That the quarter master general cause to be returned to the arsenal, all arms distributed under the distribution act of 1837, which have not been accepted by any company or companies entitled to the same, or which are not in use by said company or companies.

SECT. 2. It shall be the duty of any and all persons, who have in violation of law, loaned any portion of the public arms, to return the same to the arsenal, on or before the 20th of July 1839, in as good condition as when taken therefrom, ordinary wear only excepted.

Arms loaned to be returned on or before the 20th July 1839, &c.

SECT. 3. The quarter master general is hereby authorized to furnish arms to such light infantry and rifle company or companies, as have not received the same under said distribution act, in such proportion to each company, as he may deem just and proper ; provided the same are furnished from such arms as may hereafter be returned to the arsenal, if a sufficient number should be returned ; and provided bonds, such as he shall approve, are given, for the safe keeping and return of said arms, when required, and in as good condition as when taken, ordinary wear only excepted.

Quarter master general to furnish arms to certain companies, &c.

SECT. 4. The comptroller of the State is hereby authorized and empowered, to draw an order on the treasurer annually, for the sum of three dollars, for the storage of any field piece, in the hands of any artillery company, on a certificate of a majority of the selectmen of the town, where such piece is located, that the same has been kept for the year preceding, in a building or enclosure devoted exclusively to that purpose, and that no injury has arisen to such field piece, by reason of the improper storage of the same.

Comptroller annually to draw an order on the treasurer for storage of field pieces, &c.

SECT. 5. That the furnishing of harnesses for artillery companies, be hereafter dispensed with, and the commanding officers of said companies be authorized and empowered to hire harnesses for the use of said companies, on days of exercise and review, the expense of which shall be paid by an order on the treasurer ; provided in each case, an account of such expense be approved by a majority of the selectmen as aforesaid, and be presented at the time of presenting said storage account.

Who to furnish harnesses for artillery companies, and in what cases.

SECT. 6. It shall be the duty of the commanding officers of artillery companies, on days of exercise or review, to cause their pieces to be returned to their respective gun houses with all convenient dispatch, after said companies shall have been dismissed ; and immediately thereupon, to cause the same to be thoroughly cleaned ; and it shall be the duty of any justice of the peace or grand juror, to report to the quarter master general, all violations of this act.

Duty of commanding officers to return their field pieces to gun houses, and cleaned, &c.

SECT. 7. No field piece in the hands of any artillery company, shall be used, except for company exercise or

Guns not to be used except for company exer-

cise and review
&c.,—liability
for damage,
&c.

review, unless by written permission of some general or field officer, living in the county in which said field piece is located, or by written permission of the majority of the selectmen of the town in which the same is kept; provided, that when such permission is given by said selectmen, the town in which they reside, shall be liable for the return of the same, in as good condition as when taken, and when such permission is given by a general or field officer, such officer shall incur the same liability. Said field pieces shall remain in the respective towns in which they are now located.

If a company
has two field
pieces the
quarter master
general is em-
powered to
cause one to be
returned to the
arsenal.

SECT. 8. In all cases where an artillery company is furnished with two field pieces, and but one is used, either for company exercise or review, or when but one is needed, the quarter master general is authorized and empowered to cause one of said pieces to be returned to the arsenal.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXXIV.

An Act in addition and alteration of "an Act for forming and conducting the Military Force of this State."

How to direct
warrants to col-
lect military
fines.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That all warrants granted for the collection of military fines, imposed by virtue of the act to which this is an addition, shall be directed to the sheriff of the county, his deputy, or to either of the constables of the town where the delinquent dwells.

Collection and
appropriation
of military
fines.

SECT. 2. All fines levied by a military officer, by virtue of the eighth section of "an act relating to the militia," enacted 1835, shall be collected and appropriated in the same manner as is provided by the twenty-seventh section of the act, to which this is an addition.

Repeal.

SECT. 3. All laws and acts of this State, inconsistent with this act, be, and the same are hereby repealed.

Approved May 25th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXXV.

An Act in addition to an Act entitled "an Act providing for the support of State Paupers," and to repeal an Act therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever the selectmen in any town in this State, shall receive notice that any person who is a State pauper, and whom it is the duty of the State by law to support, is reduced by sickness, or other cause to necessitous circumstances, it shall be the duty of such selectmen to furnish such pauper with the necessary support after such notice, and such town shall not be liable for the previous support of such pauper; and if such selectmen shall immediately after such notice shall have come to their actual knowledge, give notice by mail, or otherwise, to the comptroller of public accounts, such town shall be entitled to reimbursement from the State, in the manner, and to the extent provided in the act to which this is in addition, for the expense which they shall have incurred, after notice to said selectmen as aforesaid.

The selectmen of any town, after notice of the sickness &c. of a pauper in necessitous circumstances, shall furnish support &c.

Selectmen to give notice to the comptroller, &c.

SECT. 2. That all parts of the act to which this is in addition, and all other acts inconsistent herewith, be, and the same are hereby repealed.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXXVI.

An Act in addition to an Act entitled "an Act for the regulation of Civil Actions."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That whenever either of the obligors, or the surviving obligor in an administration bond, shall be the judge of probate, in and for the district where said bond was given, and be the successor of the judge to whom said bond was given, it shall be lawful for any person or persons interested in said bond, and who have a right of action thereon, to bring their said action in the name of the judge of an adjoin-

If the judge of probate is an obligor in an administration bond—how to proceed.

ing probate district, and said judge of said adjoining district, shall have the same powers and perform the same duties in the premises, and the parties in interest shall have the same rights under him, as he or they would have, if said judge of said adjoining district was the successor of the judge to whom the said bond was given.

Approved May 29th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXXVII.

An Act to constitute the town of Redding a Probate District.

Probate district
of Redding.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Redding be, and the same is hereby constituted a probate district, by the name of the district of Redding. *Provided however,* that all matters and business, begun or entered in the court of probate for the district of Danbury, shall be completed therein, in the same manner as though this act had not been passed.

Approved May 24th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXXVIII.

An Act in addition to an Act entitled "an Act for constituting and regulating Courts, and for appointing the times and places for holding the same."

East Lyme to
constitute a
part of the pro-
bate district of
New London.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the town of East Lyme, in the county of New London, shall belong to, and constitute a part of the probate district of New London; *Provided,* that all matters and business begun or entered in the court of probate for the district of Lyme, shall be completed therein, in the same manner as if this act had not been passed.

Approved June 3d, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XXXIX.

An Act to constitute the town of Groton a Probate District.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Groton be, and is hereby constituted a probate district, by the name of the district of Groton. *Provided however,* that all matters and business, begun or entered in the court of probate for the district of Stonington, shall be completed therein, in the same manner as if this act had not been passed.

Probate district of Groton.

Approved May 25th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XL.

An Act in addition to an Act entitled "an Act for constituting and regulating Courts, and for appointing the times and places of holding the same."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That where any person who is, or may afterwards become judge of probate, is named as executor in any last will and testament, the cognizance of which belongs to such judge of probate, he may notwithstanding, execute such will; in which case, the cognizance thereof shall appertain to the judge of probate of an adjoining district, who may by law act, and shall be proceeded with, as in cases where a judge of probate is disqualified to act by reason of interest in a deceased person's estate.

A judge of probate named as executor in a will, may execute said will, and how.

Approved May 20th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XLI.

An Act in addition to an Act entitled "an Act for regulating Salaries and Fees."

Fees in probate courts.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the salaries and fees of the courts of probate in this State, shall be further established as follows, viz :

For each order of notice to settle administration account—fifty cents.

For each order of notice to a guardian to settle his account—fifty cents.

For each order to sell land, by authority of the General Assembly—fifty cents.

For an order of notice or decree, removing or appointing a trustee—each fifty cents.

For taking bond of trustee—twenty-five cents.

For taking all other bonds whenever necessary—each twenty-five cents.

For each order of notice to a trustee to settle his account—fifty cents.

For hearing and adjusting the accounts of a trustee—seventy-five cents.

Approved June 5th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XLII.

An Act in addition to an Act entitled "an Act to regulate the inspection of Provisions and other articles of Commerce."

All owners, millers, or manufacturers of flour in this State, put up for sale—how to mark barrels or half barrels so put up.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That every owner, miller or manufacturer of flour, which is put up for sale, within this State, shall cause the initial letters of his christian name and his surname, at length, to be branded or marked on one head of every barrel and half barrel, in which such flour is put up, in permanent and legible characters, and the quantities marked in figures.

SECT. 2. That no owner, miller, or manufacturer of flour, shall put up such flour, or cause the same to be put up for sale, in any barrel or half barrel, either head of which has been previously branded or marked, and used as the head of a barrel or half barrel of flour destined to market, unless such brands or marks shall have been first erased from such head.

Not to put up such flour in a barrel, &c. with a marked head before used and branded, &c.

SECT. 3. Every person who shall violate the provisions of either the foregoing sections of this act, shall forfeit and pay the sum of twenty-five dollars, one half to any person who shall prosecute the same to effect, and the other half to the treasurer of the town, in which such offence is committed.

Forfeiture of \$25 for violation of this act.

Approved May 25th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XLIII.

An Act to aid in the construction of the Housatonic Rail Road.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* There shall be annually appointed by the General Assembly, two commissioners on the Housatonic rail road, whose duty it shall be, at least once in each year, and oftener if they shall deem necessary, to examine the said road, and all the books and accounts of said company, and report to the General Assembly annually, the amount which they shall ascertain to have been actually expended by said company in the construction of said road; and said company shall pay said commissioners a reasonable compensation for their services; and if either of said commissioners shall die or resign, or refuse to accept the said appointment, the vacancy so occasioned, shall be filled by the appointment, by the person administering the office of governor, of some person to hold said office of commissioner, till the rising of the next General Assembly.

Two commissioners on the Housatonic rail road to be annually appointed—their duty—their compensation—vacancy how filled.

SECT. 2. Said company are hereby authorized and empowered to issue bills or notes of the corporation, signed by the president, and countersigned by the treasurer thereof, promising the payment of money to any person or order, or bearer, which bills or notes shall be obligatory on the corporation, according to the tenor thereof, and shall be assignable according to the custom of merchants, and the laws relating to inland bills of ex-

Empowered to issue notes of the corporation to be obligatory on the corporation, assignable, &c.

change, *Provided however*, that all bills or notes issued as aforesaid, shall be approved by said commissioners, which approval shall appear on said bills; and that the whole amount of such bills at any time outstanding against the company, shall never exceed one fourth of the amount which shall at that time have been actually expended by said company in the construction of said rail road.

Security to note
or bill holders
—in case of re-
fusal or failure
to redeem said
notes, how to
proceed.

SECT. 3. The whole stock, franchise, and income of said company, and all real estate which now is, or hereafter may be owned by said company, and all personal estate, which may be owned by said company, at the time of any failure to pay any such note, shall be, and is hereby declared to be pledged and mortgaged to the commissioners to be appointed by virtue of this act, and to their successors in the said office, as security for the redemption and payment of all notes which shall be issued by said company, by virtue of this act; and in case said company shall, at any time hereafter, on lawful demand, during the hours of business, at a place of business of said company, to be always kept open for that purpose, in the city of Bridgeport, fail to redeem in the lawful money of the United States, any note issued by said company, by virtue of the provisions of this act, according to the tenor thereof, the holder of such note, making such demand, may cause the same to be protested for non-payment, by a notary public, in the usual manner; and the said commissioners, on receiving such protest, shall forthwith give notice in writing to said company to pay the same, and if said company shall omit to do so for twenty days after such notice, said commissioners shall immediately thereupon, (unless they shall be satisfied that there is good and legal defence against the payment of such note or notes,) give notice in two or more newspapers, printed in this State, that all the notes so issued by said company will be redeemed out of the property pledged in their hands as aforesaid, for the security of the same. And the said commissioners shall thereupon proceed to sell or dispose of (in such manner as they shall judge most for the interest of the holders of such notes,) so much of the stock, or real or personal estate of said company, as shall be necessary to pay and redeem all of the said notes, which shall at that time be outstanding against said company, together with the cost and expense attending such sale, and out of the proceeds of such sale, to pay to the holders of such notes, the amount thereof, with interest from the time of the demand, and failure to pay as aforesaid.

SECT. 4. This act shall not take effect in regard to said company, till the stockholders thereof, at a legal meeting called for that purpose, shall have assented to the provisions of the same, and the said act may be at any time altered, amended, or repealed by the General Assembly.

Approved May 29th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XLIV.

An Act in addition to and in alteration of an Act entitled "an Act relating to Highways and Bridges."

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever any town shall neglect to construct or build any public road or bridge, laid out by the county court, which it is the duty of said town to construct or build, it shall be the duty of the county court for the county in which said road lies, to order the said road or bridge to be constructed or built, and to grant a warrant against said town, to collect the sums expended, or the cost of constructing or building said road or bridge, in the same manner as is now by law provided for the repairing any public road or bridge already constructed; and it shall be the duty of the State's attornies and the sheriffs of the respective counties, to make complaint of any neglect as aforesaid, which may come to their knowledge.

Any town neglecting or refusing to build a public road or bridge laid out by the county court, duty of county court in such case—also the duty of State's attornies & sheriffs to complain, &c.

SECT. 2. All acts and parts of acts inconsistent herewith, be and the same are hereby repealed. Repeal.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XLV.

An Act to repeal the Acts therein mentioned.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the act entitled "an act to encourage the growth and manufacture of silk," passed in 1832, and the act in alteration thereof, passed in 1834, be, and the same are hereby repealed.

Repeal of the act giving a bounty on silk.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XLVI.

An Act in addition to an Act entitled "an Act for regulating Salaries and Fees."

What witnesses of a prisoner to be paid by the State.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That no witnesses shall be summoned in any criminal prosecution in behalf of a prisoner, at the expense of the State, except such as shall be contained in a list, which shall be shown to and approved by the judge or justice, before whom such prosecution is pending.

One keeper allowed, except in certain cases --when keepers fees shall be taxed.

SECT. 2. *Be it further enacted,* That no sheriff or other officer, or indifferent person, shall be allowed compensation for more than one keeper on one process, except in special cases, to be approved by the court, who shall receive not to exceed one dollar for every twelve hours, and in that proportion in lieu of all other expenses. Keepers' fees shall not be taxed in any case, unless the court on enquiry, find that such services were necessary.

No attorney fee allowed in bill of cost before a justice.

SECT. 3. No attorney fee shall be charged in a bill of cost taxed by a justice of the peace in a criminal prosecution.

One dollar allowed to attorney for making bill of cost, &c.

SECT. 4. *Be it further enacted,* That there shall be allowed to State's attorneys, for making out all bills of costs arising in one prosecution, one dollar, and no more.

County court may tax two dollars twenty-two cents for assistant attorney in criminal causes.

SECT. 5. *Be it further enacted,* That the county courts may tax for an assistant attorney in criminal trials, a fee of two dollars and twenty-two cents.

In what cases the superior court may tax for council of prisoner.

SECT. 6. *Be it further enacted,* That the superior court may tax in favor of the counsel for the accused, in capital trials, the fees allowed to the State's attorney, and his assistant in such cases, provided it shall appear to the court, that the prisoner is poor and unable to pay his counsel.

Allowance to State's attorneys.

SECT. 7. *Be it further enacted,* That there shall be allowed to State's attorneys, for drawing an information or indictment, one dollar, when such information or indictment does not exceed one page of twenty-eight lines, ten words to a line, and half a dollar for each succeeding page. *Provided however,* that in no instance, shall any part of such information or indictment, after the second count, be taxed, and that a second count shall not be allowed, unless the same shall be approved by the court.

SECT. 8. *Be it further enacted*, That in criminal trials, no fees shall be allowed to bystanders, called as witnesses.

No fees payable to bystanders as witnesses.

SECT. 9. *Be it further enacted*, That there shall be taxed for furnishing each prisoner in State cases, with diet, washing, fuel, lights, and attendance, such sum as shall from time to time, be allowed by the county court, not exceeding, when more than three persons in any gaol at the same time, two dollars per week.

Allowance to gaolers for board of prisoners, &c.

SECT. 10. *Be it further enacted*, That it shall be the duty of sheriffs, to execute warrants for the commitment of convicts to the Connecticut State prison, by delivering such convicts to the warden of said prison or his agent, at the gaols of the several counties, and said warden shall cause such convicts to be transported to said prison, at the expense of the State, and there confined, pursuant to their respective sentences. For executing each warrant, the sheriff shall receive a fee for each prisoner, one dollar, and no more.

Sheriffs to deliver convicts to the warden of State prison at the gaol where kept—fees of sheriff.

SECT. 11. *Be it further enacted*, That all orders, drawn by a justice of the peace, on the town treasurer for bills of cost, in criminal prosecutions, shall specify the items of such bills of cost, and such treasurer shall pay such cost to the persons severally entitled to receive the same.

Orders on treasurers of towns for costs—items of fees to be specified in said bill.

SECT. 12. *Be it further enacted*, That no court, judge or justice, shall tax or allow any item in bills of cost in criminal cases, except such as are authorized by the express provision of some statute law.

SECT. 13. *Be it further enacted*, That the judges of the supreme court of errors shall have power to make from time to time, rules to correct, or guard against abuses in the taxation and allowance of bills of costs against the State, and the county courts shall conform to such rules, so far as they are applicable to their courts.

Judges of supreme court to guard against abuses of taxing costs.

SECT. 14. *Be it further enacted*, That so much of any statute of this State, as is inconsistent with this act, be, and the same is hereby repealed.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XLVII.

An Act in addition to an Act entitled "an Act for regulating Salaries and Fees."

Fees of the clerks of superior and county court in certain cases.

Repeal.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That the fees of clerks of the county and superior courts, for entering each action, which at the first term of the court shall be discontinued or withdrawn, shall be fifteen cents.

SECT. 2. That so much of said act, and all other acts, as is inconsistent herewith, be and the same is hereby repealed.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XLVIII.

An Act in addition to an Act entitled "an Act relating to Sheriffs."

Number of deputy sheriffs in Fairfield county.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the sheriff of the county of Fairfield may appoint for said county, any number of deputy sheriffs, not exceeding eleven; and so much of the act to which this is an addition, as is inconsistent herewith, be, the same hereby is repealed.

Approved June 5th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER XLIX.

An Act in addition to "an Act for the regulation of School Societies, and for the support of Schools."

If committee & clerk neglect to enumerate the children as the law requires—by whom and when they shall be enumerated and returned,

BE it enacted by the Senate and House of Representatives in General Assembly convened, That whenever the committee and clerk of any school district, shall omit to return to the committee of the school society, the enumeration of children in their respective districts, within the time prescribed by law, it shall be the duty of one of the committee of such school society to make such enumeration, before the 15th day of September following,

and lodge the same with the treasurer of such society, and on their return to the comptroller, shall indorse a certificate thereof, according to the following form, viz.

&c.—form of certificate—compensation for such enumeration, and how paid.

“Whereas no return of the number of children between four and sixteen years of age, has been received from the committee or clerk of the school district in said society, I therefore as one of the committee of said school society, have enumerated said children, and do find that on the 1st Monday of August, A. D. there were residing within said district and belonging thereto, the number of persons between the ages aforesaid, none of which are contained in the within return. A. B. school society committee.”

Sworn to this day of A. D. 18 before me, C. D. justice of the peace.

And for making such enumeration, said committee shall be entitled to receive five cents for each child so enumerated, to be paid from the next dividend belonging to said school district, which may thereafter be received from the town deposit fund. And the enumeration and return so made, shall be as effectual to all intents, as if made in the form heretofore prescribed by law.

Approved June 5th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER L.

An Act concerning Schools.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That each school society shall have power to establish and maintain common schools of different grades, to build and repair school houses, to lay taxes, and make all lawful agreements and bye-laws to secure the free, equal, and useful instruction of all the youth thereof.

Powers of schoolsocieties.

SECT. 2. No school district shall hereafter be formed out of any existing district or districts, with less than forty children between the ages of four and sixteen, nor shall any existing district, by the formation of a new one, be reduced below the same number.

No school district hereafter to be formed out of any existing districts of less than 40 children, &c.

SECT. 3. Whenever any school district shall be formed or altered in any school society, it shall be the duty

Duty of committee of school society in forming a district&c

of the committee of the society to fix and describe the boundary lines of such district, and cause the same to be entered on the records of the society ; and in any case where such boundary lines are not now fixed and described, it shall be the duty of said committee, on application of the district, to designate and define the same, as above specified.

All school districts to be a body corporate, &c.

SECT. 4. Every legally constituted school district shall be a body corporate, so far as to be able to purchase, receive, hold and convey any estate real or personal for the support of schooling in the same, to prosecute and defend in all actions relating to the property and affairs of the district, and to make all lawful agreements and regulations for the management of schools within said district.

Meetings of school districts when held and where—notice given and by whom.

SECT. 5. There shall be a meeting in each school district annually on the last Tuesday of August, at the school house of such district, or, if there be no school house, at such other place as the district committee may designate ; and notice thereof shall be given at least five days previous, by the district committee, in one or more newspapers published therein, or by putting the same on the school house, or on the sign post, or on such other places, and in such other mode as the district may designate for this purpose.

Meetings how warned.

SECT. 6. A special meeting shall be held in each district whenever called by the district committee, in the manner specified in the case of annual meetings ; and it shall be the duty of said committee, or any member thereof, or in case of failure or refusal of the same, of the clerk of said district, to call a meeting on the written application of any five residents therein who pay taxes ; and every notice of a district meeting, shall state the purpose for which said meeting is called.

Who to vote for officers—what officers not heretofore required, to be elected and their duties.

SECT. 7. At the annual meeting of any district the legal voters thereof shall elect, in addition to the officers now required, a committee, to consist of not more than three residents of the district ; and said committee shall discharge all the duties now required of the district committee appointed by the school society ; shall employ unless otherwise directed by the district one or more qualified teachers ; provide suitable school rooms ; visit the schools by one or more of their number, twice at least, during each season of schooling ; see that the scholars are properly supplied with books, and in case they are not, and the parents, guardians, or masters have been notified thereof by the teacher, to provide the same

at the expense of the district, and add the price thereof to the next school tax or rate of such parents, guardians, or masters : suspend during pleasure or expel during the current season from school, all pupils found guilty on full hearing of incorrigibly bad conduct ; and give such information and assistance to the school committee and visitors of the society, as they may require, and perform all other lawful acts as may from time to time be required of them by the district, or which may be necessary to carry into full effect the powers and duties of school districts.

SECT. 8. Each school district shall have power at the annual, or any lawful meeting, to build, or otherwise provide suitable school rooms ; to employ one or more teachers ; to fix the different periods of the year at which the school shall be taught ; and to appropriate such portions of the public moneys accruing to such district for the use of schools, to such parts of the year as the convenience of the district may require ; provided that no school district shall after the first day of January next, be entitled to any portion of the public money, unless the school or schools of such district have been kept by a teacher or teachers duly qualified, for at least four months in the year—and until the district committee shall certify that the public money received by such district, for the year previous, had been faithfully applied and expended in paying the wages of such teacher or teachers, and for no other purpose whatever.

Powers of school districts to provide rooms, employ teachers—term of school, appropriation of school money, &c.

SECT. 9. The inhabitants of school districts in lawful meeting assembled, shall have power to lay taxes on all the real estate situated in their respective districts, and upon the polls and other rateable estate, except real estate situate without the limits of such district, of those persons who are residents therein, at the time of laying such tax, and said real estate shall not be taxed by any school district besides the one in which the same is situated ; and said tax shall be made out and signed by the district committee from the assessment list of said town or towns, to which said district belongs, last completed or next to be completed, as said district may direct, and be collected by the collector of the district in the same manner as town taxes.

Power to lay taxes on real estate in districts, polls, &c.—taxes how collected.

SECT. 10. Whenever real estate situated in one school district, is so assessed and entered in the grand list in common with other estate situated out of said district, that there is no distinct and separate value put by the as-

Assessments how made in districts.

sessors upon the part lying in said district, then said district wishing to lay a tax as aforesaid, may call upon the assessors for the time being of the town in which such district is situated, to assess, and they are hereby authorized and directed on such application, to assess the value of that part of said estate which lies in said district, and to return the same to the clerk of said town: and notice thereof shall be given by the district committee in the same way and manner as school meetings are warned; and at the end of fifteen days after said assessment has been lodged as aforesaid, said assessor and society's committee shall meet in such place in said district as said committee shall designate in their notice, and shall have the same power in relation to such list as the board of relief have in relation to lists of towns. When such list shall be equalized and adjusted by said assessors and society's committee, the same shall be lodged with the town clerk, and said assessment shall be the rule of taxation for said estate by said district, for the year ensuing; and said assessors shall be paid by said district, a reasonable compensation for their services.

Duty of visitors
or overseers
appointed by
schoolsocieties.

SECT. 11. The visitors or overseers appointed by any school society, may prescribe rules and regulations for the management, studies, books, and discipline of the schools in said society, and may appoint two persons, one or both of whom shall be a committee to examine into the qualifications of all candidates who may apply for employment as teachers in the common schools of such society, and shall give to such persons, with the evidence of whose moral character and literary attainments they are satisfied, a certificate setting forth the branches he or she is found capable of teaching, provided that no certificate shall be given to any person not found qualified to teach reading, writing and arithmetic, thoroughly, and the rudiments at least, of grammar, geography, and history; to visit each of the district schools in said society, during the first two weeks after the opening of such schools, and also during the two weeks preceding the close of the same, at which visits the committee may examine the record or register of the teacher, and all other matters touching the literature, discipline, mode of teaching, and improvement of the school; and subject to the rules and regulations of the school visitors, may exercise all the powers, and discharge all the duties of said visitors; and such committee shall receive one dollar each per day, for the time actually employed in discharging the duties of their office, and such other

compensation as said society may allow, to be paid out of the income of the town deposit fund accruing to said society, or in any other way which said society may provide.

SECT. 12. No teacher shall be employed in any school supported by any portion of the public money, until he or she has received a certificate of examination and approbation, signed by a majority of visitors of the school society, or by the committee by them appointed, nor shall any teacher be entitled to draw any portion of his or her wages, so far as the same is paid out of any public money appropriated by law to schools, unless he or she can produce such certificate, dated previous to the opening of his or her school; provided that no new certificate shall be necessary, when the teacher is continued in the same school more than a year, unless the visitors or overseers shall require it.

Teachers paid in all or part of the public money, to be examined, &c. receive a certificate &c., before said teacher commences his or her school.

SECT. 13. It shall be the duty of every teacher in any common district school, to enter in a book, or a register to be provided by the district clerk, the names of all the scholars attending school, their ages, the date when they commenced, the length of time they continue, and their daily attendance, together with the day of the month on which such school was visited by the school visitors of the society or committee by them appointed, which book, or register, shall be open at all times to the inspection of all persons interested, and be delivered over by the teacher at the close of the term, to the district clerk, together with a certified abstract, showing the whole number of pupils enrolled, the number of males and females, and the average daily attendance; and it shall be unlawful to pay any teacher more than two-thirds the amount due for any term of tuition, until said book and abstract shall be placed in the hands of the district clerk, as aforesaid, and certified to under oath.

Duty of school teachers.

SECT. 14. Any school society, in lawful meeting, may authorize the committee of the society to draw an order on the society treasurer, in favor of such districts, or parts of districts, as have kept their schools in all respects according to law, for their proportion of all the public money appropriated to the use of schools, in the hands of said treasurer either according to the number of persons between the ages of four and sixteen in such districts or parts of districts, or according as the amount of attendance for a period of six months' schooling in such districts or parts of districts, shall bear to the whole

Powers of school societies.

amount of attendance in all the districts for the same period.

If the expense of a common school exceeds the amount of all monies appropriated by law, how to proceed.

SECT. 15. Whenever the expense of keeping a common school by a teacher or teachers duly qualified, shall exceed the amount of all monies appropriated by law to defray the expense of such school, the committee in such district for the time being, may examine, adjust, and allow all bills of expense incurred for the support of said school, and assess the same upon the parents, guardians, and masters of such children as attended the same, according to the number and time sent by each.

Contingent expenses arising from repairs, books, &c., not exceeding \$20 in one year, to be included in assessment. School districts power as to libraries &c. expense how paid.

SECT. 16. Whenever the contingent expenses of any school district, arising from repairs of school house or its appendages, books, costs, damages, or any other source, shall not exceed the sum of twenty dollars in one year, the same may be included in the above assessment.

SECT. 17. Any school district, in lawful meeting warned for this purpose, is hereby authorized to lay a tax, not exceeding thirty dollars the first year, or ten dollars any subsequent year, on the district, for the purpose of establishing and maintaining a common school library and apparatus for the use of the children of such district, under such rules and regulations as said district may adopt; and any sum of money thus raised, shall be assessed and collected in the same manner as other district taxes.

Union districts how formed & powers of.

SECT. 18. Any two or more adjoining school districts, may associate together and form a union district, with power to maintain a union school, to be kept for the benefit of the older and more advanced children of such associated districts, if the inhabitants of each of such districts shall, at legal meetings called for that purpose, agree to form such union by a vote of two thirds of the legal voters present.

Union districts to have corporate powers, &c.

SECT. 19. Any union district thus formed shall have all the corporate powers of school districts, and shall hold its first meeting on such notice, and at such time and place as may be agreed upon by the associated districts respectively by a vote of the same at the time of forming the union.

Annual meeting of union districts, when held—what notice, and how given.

SECT. 20. The annual meeting of such union district shall be held at such time and place, and upon such notice, as the district may at its first meeting prescribe; and notice of all special and adjourned meetings shall be given as provided for in the case of school districts.

Powers of the legal voters of union districts.

SECT. 21. The legal voters of such union district shall have power to designate, and purchase or lease, the site

for a school house for the union school, and to build, hire, or purchase a building for such school house, and to keep in repair and furnish the same with fuel, furniture, and other necessary articles for the use of said school, and to assess and collect a tax for the above purpose, in the same manner as is prescribed by law for other school districts; and in case the district shall not be able unan-
imously to agree on the location of the union school house, the school society committee shall, on application, determine the same.

SECT. 22. The committees of the respective districts forming the union district, shall constitute the school committee of said district, with power to appoint their own clerk, treasurer and collector—and said officers shall have all the powers, and discharge all the duties in reference to such district, as the same officers have in case of school districts.

Who to be the committee of a union district, and their powers.

SECT. 23. The committee aforesaid shall also determine the ages and qualifications of the children of the associated district, who may attend the union school, and make all rules and regulations for the studies, books and discipline of the school, subject to the approbation of the visitors of the school society in which said union district may be located, and to any votes that may be passed in any legal meeting of said district.

Further duties and powers of the union committee.

SECT. 24. Such union school shall receive such proportion of all money accruing to the use of each of the associated districts, as the children between the ages of four and sixteen attending the union school from each of said districts, bear to the number attending the district school in each—and the expense of sustaining the school beyond the amount thus received shall be borne by the union district, in such manner as the legal voters of the same shall prescribe; and a tax or rate for this purpose shall be assessed and collected in the same manner as in the case of any other school district.

What public school-money shall be received by the union districts—also mode of taxing.

SECT. 25. The visitors or overseers of schools, shall have the same power and perform the same duties in relation to such union schools, as are prescribed to them in relation to other district schools.

Duty of school visitors over union districts.

SECT. 26. No child shall be excluded from any school supported in all or in part out of any money appropriated or raised by law for this purpose, in the district to which such child belongs, on account of the inability of the parent, guardian, or master of the same to pay his or her tax or assessment for any school purpose whatever; and the school committee of such district, and the selectmen,

No child to be excluded from any school, if said school is supported in all or part by money raised by law for this purpose, for an inability to pay, &c.

or a majority of the same, of the town or towns in which such district shall be located, shall constitute a board with power to abate the taxes or assessments of such persons as are unable to pay the same in all or in part, and said select men shall draw an order for the amount of such abatements upon the treasurer of the town in which such persons reside, in favor of said district.

Term of all school officers, both of society and districts.

SECT. 27. All the school officers, both of the school society and school districts, shall hold their respective offices until the annual meeting of such society and district next following the time of their appointment, and until others shall be duly elected in their places.

Failure of appointing officers at the annual meeting, &c., to be appointed by the committee of the school society.

SECT. 28. In case any district shall fail or neglect to appoint any or all of the officers authorized and directed to be appointed by this act at the annual meeting, or any vacancy shall occur by death, removal from the district, or otherwise, it shall be the duty of the committee of the school society in which such district may be located, to make such appointment, and to fill such vacancy, on receiving written notice thereof from any three members of the district, and lodge the name or names of such officers so appointed, with the district clerk.

Governor to fill vacancies in the board of commissioners of common schools, &c. Repeal.

SECT. 29. The governor is hereby authorized to fill any vacancy in the board of commissioners of common schools, occasioned by death, resignation, or otherwise.

SECT. 30. All acts or parts of acts relating to school societies or schools, inconsistent with the provisions of this act, are hereby repealed.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER LI.

An Act in addition to an Act entitled "an Act for the regulation of School Societies and for the support of Schools."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That in all cases, in which the school visitors and clerks of the several school societies, have heretofore failed to make returns according to the provisions of the third and fourth sections of an act entitled "an act to provide for the better supervision of common schools;" passed May session 1838, the comptroller of public accounts, shall not for such cause, refuse to draw an order on the treasurer, for

If school visitors and clerks of school societies have failed to make returns as provided in an act passed 1838, still the comptroller to draw an order, &c.

such proportion or amount of school money as said societies may be entitled on the first days of October and March next respectively. *Provided*, the returns of said societies shall in other respects conform to the statute law of this State.

Approved June 5th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER LII.

An Act relating to the sale of Spiritous Liquors.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened*, That no person or persons, shall, from and after the first Monday of January next, sell, directly or indirectly, any wines or spiritous liquors, in any town in this State, without liberty granted by the town in manner as is hereafter provided by this act.

Spiritous liquors when & how to be sold.

SECT. 2. The several towns in this State, at a town meeting legally warned and assembled for that purpose, any time in the month of January annually, be, and they are hereby authorized by a major vote of the legal voters present, which vote shall be by ballot, to grant liberty to any person or persons, to sell wines and spiritous liquors within their respective towns, under such regulations as they may severally adopt.

Towns to adopt rules as to the sale of spiritous liquors.

SECT. 3. No person or persons, except taverners, shall sell directly or indirectly, by an agent or otherwise, to any person or persons, or permit to be sold, any wines or spiritous liquors, to be drunk in his or her house, shop, distillery, or dependencies.

Who may sell liquors to be drank in his or her shop, house, distillery, or dependencies.

SECT. 4. If any retailer or taverner, or any other person or persons, shall sell any wines or spiritous liquors, without liberty granted as aforesaid, or in any way, contrary to the provisions of this act, or the regulations that the town in which the offence is committed, shall have prescribed, such person or persons, being thereof duly convicted, shall forfeit and pay for each offence, the sum of twenty dollars, to the treasury of the town, where such offence shall have been committed.

\$20 penalty for violation.

SECT. 5. On complaint to the selectmen of any town, from a source entitled to credit, of a violation of this act, it shall be the duty of such selectmen to investigate the same, and if it shall appear that such complaint is true,

Duty of selectmen—duty of grand jurors to prosecute.

they shall notify a grand juror of such town, who shall prosecute the same; and the grand jurors of the respective towns shall also prosecute any violations of this act, on satisfactory evidence being furnished of such offence, by any other person or persons, than selectmen. *Provided nevertheless*, that nothing contained in this act shall be so construed as to prevent any taverner, legally licenced, from selling wines or spiritous liquors, during the continuance and according to the true intent and meaning of such licence; nor shall any thing contained in this or any other public act, be so construed as to authorize a taverner to sell any wines or spiritous liquors, to be drunk in any other place than within his public house.

SECT. 6. *Be it further enacted*, That all public acts relating to the sale of spiritous liquors, inconsistent with the provisions of this act, be, and the same are hereby repealed.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER LIII.

An Act in addition to an Act relating to Turnpike Roads.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That whenever it shall so happen, that the judge of the county court cannot act, on account of interest, either of the commissioners, in their respective counties, may perform all the duties, and exercise all powers conferred on judges of the county court, by the first and third sections of the act entitled "an act in addition to an act relating to turnpike roads," enacted in 1835.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER LIV.

An Act in addition to an Act relating to Turnpike Roads.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That in all cases, in which the toll for sheep and swine, is not specifically prescribed, by the charter or any subsequent grant of any turnpike incorporation in this State, the toll for each sheep or swine, passing on the road, at each gate at which full toll is payable, shall be five mills, and two and a half mills at each gate, at which half toll is payable; and no more.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER LV.

An Act in addition to an Act relating to Turnpike Roads.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That in all cases in which the toll for a one horse waggon, is not specifically prescribed by the charter or any subsequent grant of any turnpike or bridge incorporation in this State, the toll for each waggon, drawn by one horse, whether the body be hung on springs or not, for passing on the road or bridge, whether loaded or not, shall be six cents and one quarter at each gate where full toll is payable, and three cents where half toll is payable, and no more.

SECT. 2. That the act in addition to an act relating to turnpike roads, passed in 1838, be, and the same is hereby repealed.

Approved June 7th, 1839.

WILLIAM W. ELLSWORTH.

CHAPTER LVI.

An Act in alteration of an Act incorporating the Borough of Worthington—passed May session, 1834.

Alteration of
the borough of
Worthington.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That the borough of Worthington be reduced to the following limits, and that the same shall hereafter be the limits of said borough, any law to the contrary notwithstanding, viz: Beginning at a point in Capt. Normand Peck's barn lot, bearing south five degrees, west fifteen rods and thirteen links, from the south west corner of said Peck's barn, running east to the north west corner of Alfred Edwards' house lot, on the east side of the Hartford and New Haven turnpike road; thence along the north line of said Edwards' lot, continuing the course to a point in a lot of Col. Frederick Dunham, deceased, seventy-one and one half rods from the Hartford and New Haven turnpike road; thence southerly to the south east corner of Col. Wm. Bulkley's house lot; thence westerly to the south east corner of Zenas Richardson's garden, on the west side of said turnpike road; thence continuing the same course westerly, forty rods from said road; thence northerly to the first mentioned point.

SECT. 2. *Be it further enacted,* That so much of the said act of which this is an alteration, as is inconsistent herewith, be, and the same is hereby repealed.

Approved May 25th, 1839.

WILLIAM W. ELLSWORTH.

GENERAL ASSEMBLY, }
MAY SESSION, 1839. }

Resolved by the House of Representatives, That the following be proposed as an amendment to the constitution of this State, which when approved and adopted in the manner by the constitution prescribed, shall, to all intents and purposes, become a part thereof.

Judges of the courts of probate, shall be appointed in the several districts of this State, by the electors residing in said districts, in such manner and for such term of office, not exceeding three years, as shall be prescribed by law.

Resolved, That the foregoing proposed amendment be continued to the session of the General Assembly, to be holden at New Haven in May next, and be published with the laws passed at the present session.

HOUSE OF REPRESENTATIVES, JUNE 5th.

Passed—A. CATLIN, Clerk.

R. H. MILLS, Clerk.

GENERAL ASSEMBLY, }
MAY SESSION, 1839. }

Resolved by the House of Representatives, That the following be proposed as an amendment to the constitution of this State, which when approved and adopted in the manner by the constitution prescribed, shall, to all intents and purposes, become a part thereof.

Justices of the peace shall be appointed in the several towns in this State, by the electors residing in said towns, in such manner, and for such term of office, not exceeding three years, as shall be prescribed by law.

Resolved, That the foregoing proposed amendment be continued to the session of the General Assembly, to be holden at New Haven, in May next, and be published with the laws passed at the present session.

HOUSE OF REPRESENTATIVES, JUNE 5th.

Passed—A. CATLIN, Clerk.

R. H. MILLS, Clerk.

GENERAL ASSEMBLY, }
MAY SESSION, 1839. }

The joint committee on the Judiciary, to whom was referred a communication from the secretary of this State, in relation to a proposed amendment of the constitution, concerning the qualifications and admission of electors, have had the same under consideration, and respectfully report as follows :

It is provided by the constitution, in relation to amendments of the same, that they shall be proposed by a majority of the House of Representatives, be continued to the next session of the legislature and be published with the laws ; that they be passed by a vote of two-thirds of both houses in General Assembly ; that the secretary of the State transmit the same to the town clerks of the several towns in the State ; that the town clerks of the several towns, should present the same to the inhabitants thereof, for their consideration, at a town meeting legally held and warned for that purpose. It is further provided, that "if it shall appear in manner to be provided by law, that a majority of the electors present at such meetings, shall have approved such amendments, the same shall be valid, to all intents and purposes, as part of this constitution."

In relation to the proposed amendment of the constitution, referred to in the communication of the secretary, it appears that the same was proposed by a vote of a majority of the House of Representatives, duly continued and published, and passed at the session of the General Assembly then next, by a vote of two-thirds of each house, and by the secretary duly transmitted to the town clerks of the several towns. Thus far the provisions of the constitution have been complied with. The constitution however, requires, that the amendment shall be presented to a town meeting, "*legally warned and held for that purpose.*" It appears, that in relation to a portion of the towns, no vote was taken on the proposed amendment ; and in relation to those towns where votes were taken, it does not appear that the meeting was warned for that purpose ; and if in the case of any town, a meeting were so warned, as there was no provision by law for warning such meeting, the committee are of opinion, the same cannot be considered as having been *legally warned*. They are therefore of opinion, that the votes which have been heretofore given, in the several

town meetings, in relation to this amendment, are to be rejected. As however there is no provision by the constitution as to the time when any proposed amendment shall be acted upon by the several towns; and as the legislature is authorized to provide by law, the mode of ascertaining whether such amendment has been approved by a majority of the inhabitants of the State, in town meeting legally assembled, the committee are of opinion that no difficulty exists in providing by law, during the present session of the General Assembly, for submitting to the inhabitants of the several towns, the said amendment in pursuance of the constitution; and if the same shall be approved by a majority of the electors present in the several towns, in town meeting, legally warned, they are of opinion that said amendment may be considered as part of the constitution.

In accordance with these views, the committee have prepared a bill for a public act, of which they recommend the passage.

Which is respectfully submitted, per order of the committee.

JOHN A. ROCKWELL, *Chairman.*

PROPOSED AMENDMENT TO THE CONSTITUTION.

At a General Assembly of the State of Connecticut, holden at Hartford, on the first Wednesday of May, eight hundred and thirty-seven—

Resolved by the House of Representatives, That the following be proposed as an amendment to the constitution of this State, which, when approved and adopted in the manner provided by said constitution, shall, to all intents and purposes, become a part thereof, viz:

Every white male citizen of the United States, who shall have resided in this State one year, attained the age of twenty-one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least six months preceding; and have a freehold estate of the yearly value of seven dollars, in this State; or having been enrolled in the militia, shall have performed military duty therein for the term of one year next preceding the time he shall offer himself for admission, or being liable thereto, shall have been by

authority of law, excused therefrom ; or shall have paid a State tax within the year next preceding the time he shall present himself for such admission ; and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

Resolved, That the foregoing proposed amendment of the constitution of this State, be, and the same is hereby continued to the next session of the General Assembly, to be holden at New Haven, on the first Wednesday of May next, and that the said proposed amendment be published with the laws passed at the present session.

J. C. PALMER, }
LEWIS HYDE, } *Clerks.*

HOUSE OF REPRESENTATIVES, 1837.

Passed—J. C. PALMER, *Clerk.*

House of Representatives, May 5, 1838.—Laid on table, order of day for Tuesday next.

H. DUTTON, *Clerk.*

Ordered to be made the order of the day for 15th May, at 2, P. M. ; further postponed to 22d May, at 2, P. M.

House of Representatives.—Passed by yeas and nays by a majority of two thirds.

H. DUTTON, *Clerk.*

In Senate, ayes and nays taken, and passed by a majority of two thirds.

H. T. HUGGINS, *Clerk.*

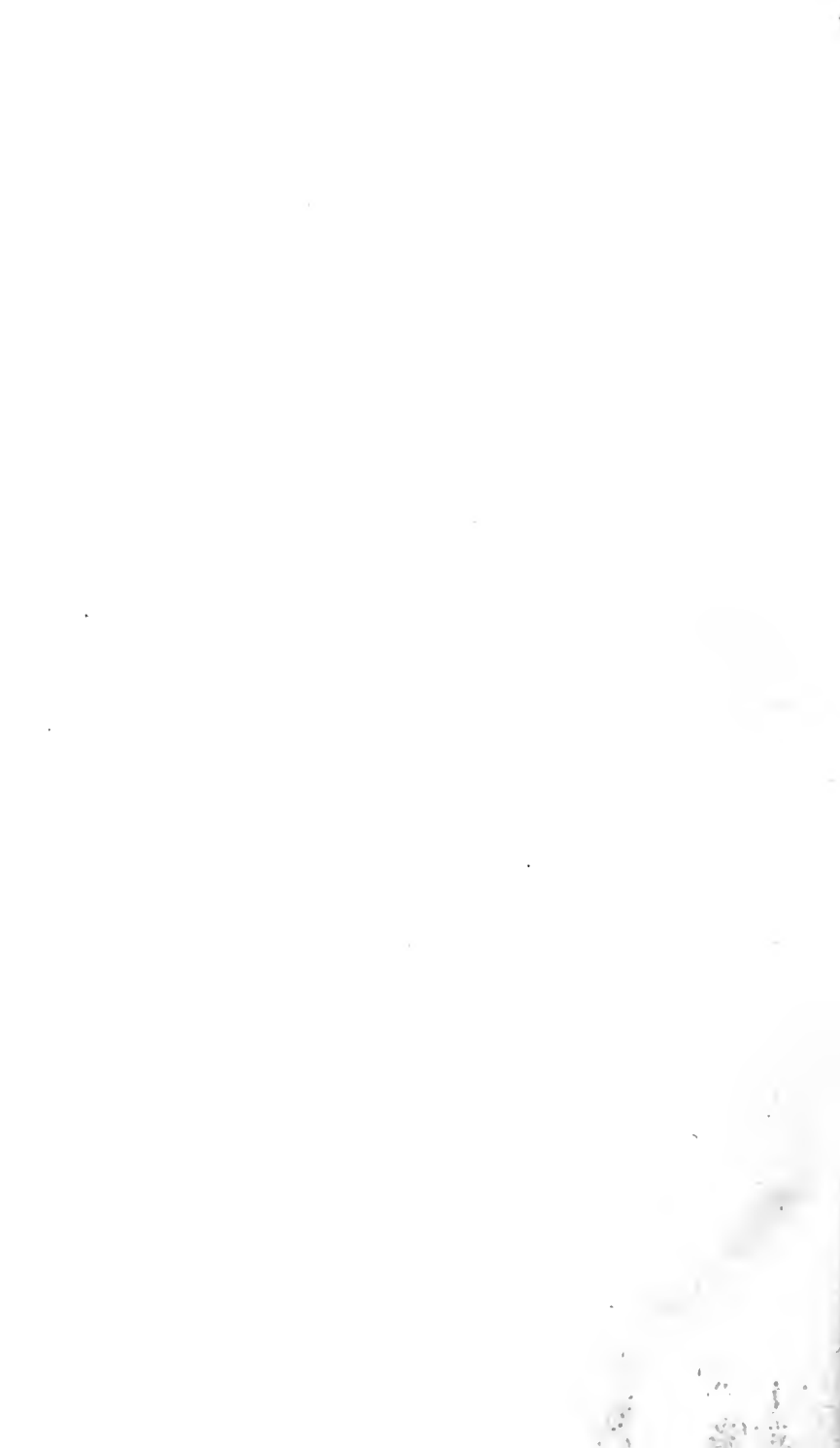
ERRATA.—Page 32 at the the close of the 30th chapter add "Approved June 7th, 1839.

WILLIAM W. ELLSWORTH."

STATE OF CONNECTICUT, ss. }
SECRETARY'S OFFICE, viz: June 25th, 1839. }

I HEREBY CERTIFY, That I have compared the printed copy of the acts contained in this pamphlet, with the original acts, as engrossed and passed by the Legislature, and find the same to be correct.

ROYAL R. HINMAN,
Secretary of State.



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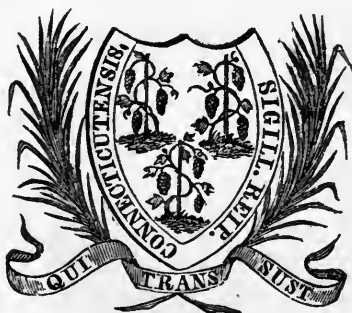
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PUBLIC ACTS
OF THE
STATE OF CONNECTICUT,
PASSED MAY SESSION, 1840.

PUBLISHED AGREEABLY TO A RESOLVE OF THE GENERAL ASSEMBLY,
UNDER THE SUPERINTENDENCE OF THE
SECRETARY OF STATE.



State of Connecticut, ss :
OFFICE OF THE SECRETARY OF STATE, JUNE, 1840.

HARTFORD :
PRINTED BY CASE, TIFFANY & CO., PEARL STREET
1840.



PUBLIC ACTS.

CHAPTER I.

An Act in relation to Agricultural Societies.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* Every incorporated County Agricultural Society now existing, or which may be hereafter incorporated in the manner hereinafter specified, which shall have raised by contribution or tax upon individuals, not less than the sum of one hundred dollars in any one year to be thereafter expended for the uses of the Society, during the then current year, shall be entitled to receive in the month of September of that year, out of the Treasury of the State, a sum equal to the amount so raised by said Society: *Provided*, that no such society shall receive from the treasury, more than the sum of two hundred dollars in any one year.

Agricultural Societies in each county, may receive not to exceed \$200 out of State Treasury annually, and on what conditions.

SECT. 2. The County Treasurer of each county in this State, in which there is now existing no incorporated Agricultural Society, shall notify a public meeting to be held at such place as he may direct, in the county town, or one of the county towns of such county, on the fourth Monday of August next, to form County Societies for the purpose specified in this act, and all the residents in such county, who shall attend at the time and place aforesaid, shall be and they are hereby empowered (if they see fit) to form themselves into such a society, and upon complying with the provisions of this act, shall be a body politic and corporate; may choose a President and other officers; may enact by-laws regulating the affairs of such corporation, not inconsistent with the laws of this State, and compel the due observance

County Treasurer to call county meetings—when and where—purpose of, &c.

To lodge with Secretary of State a copy of articles of corporation.

Agricultural Societies, how and when to make returns to Secretary, under oath, &c.

Duty of Agricultural Societies, as to premiums, and expenditures—to whom awarded, &c.

Notice by county Treasurer, how given.

thereof by suitable penalties; may sue and be sued, and do all things necessary for the well ordering of the affairs of the corporation: *Provided*, that before any such corporation shall be entitled to the privileges of this act, they shall lodge with the Secretary of this State a copy of their articles of corporation.

SECT. 3. Every Agricultural Society which shall claim the said allowance out of the public treasury, shall, in the month of September annually, file in the office of the Secretary of State, a certificate signed by the President and Treasurer of said Society, specifying under oath, the sum actually raised by said Society as aforesaid. And the Comptroller of public accounts is hereby authorized and directed to draw an order on the Treasurer in favor of said Society, for the sum to which such Society may be entitled.

SECT. 4. Every Agricultural Society which shall receive the said allowance from the Treasury of the State, shall offer annually, by way of premiums, or shall otherwise apply at their discretion for the encouragement or improvement of agriculture or manufactures, the whole amount so received from the State, together with an equal amount received from the contributions or taxes of individuals. And said society shall also transmit to the office of the Secretary of State, in the month of January annually, a statement of their proceedings in relation to the expenditures of such money, specifying the nature of the encouragement proposed by the Society, and the objects for which the premiums have been offered, and to whom they were awarded: *Provided*, that all money offered for premiums which shall not be awarded or paid, shall be placed in the hands of the Treasurer of the Society, to be expended in like manner for promoting its objects.

SECT. 5. The notice to be given by the county Treasurer as required in the second section of this act, shall be by a publication thereof in a newspaper printed in the county where such meeting is to be held, or if none be printed in such county, then in a newspaper printed in an adjoining county, which publication shall be for two successive weeks previous to such meeting.

Approved June 8th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER II.

An Act in addition to, and alteration of an Act entitled
“an Act for the Assessment of Taxes.”

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever any person or corporation, to whose list the Assessor or Assessors of any town, shall have made addition for any moneys or debts at interest, pursuant to the Statute in such case provided, enacted in the year 1836, shall appeal to the Board of Relief for such town, if such person or the agent of such corporation, for, and in behalf of the same, shall, before said board, make oath or affirmation regarding his, or their moneys and debts on interest respectively, and shall answer all proper interrogatories relating thereto ; such disclosures so made, shall be deemed conclusive, unless the same shall be rebutted by other evidence given before said board, when said party assessed shall be present, or shall have had reasonable notice to be present.

In what case the oath of a person assessed shall be evidence before the Board of Relief in his favor.

SECT. 2. That so much of said Statute as is inconsistent herewith, be, and the same is hereby repealed.

Approved June 5th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER III.

An Act confirming the doings of the Assessors and
Board of Relief in certain cases.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the several provisions of the act passed in 1836, entitled “an act in addition to an act entitled an act confirming and establishing the doings of the assessor or assessors in certain cases,” passed in 1829, and of the act entitled “an act to confirm the doings of the Assessors and Board of

Confirming previous acts of Assessors and board of relief.

Relief," passed in 1837, be, and the same are hereby re-enacted and extended to all cases to which the same would be applicable, if said acts were now first enacted.

Provided, That no claim which is the subject of any suit or action now pending, shall be in any manner affected by the provisions of this act.

Approved June 4th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER IV.

An Act in addition to the Act entitled "an Act for the regulation of Civil Actions."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That from and after the first day of August, 1840, whenever any personal estate of a debtor is taken on warrant or execution, the officer shall advertise and post the same, with particular account thereof, on the sign post in the society where taken, to be there sold (unless some other place is designated pursuant to law) at public vendue, at the end of twenty-one days, specifying the day of the month when the sale is to take place; and in computing the time aforesaid, the day on which the property is posted shall be included, and the day specified for the sale shall be excluded from the computation.

The time when personal property shall be posted and sold on execution.

Approved June 8th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER V.

An Act in addition to an Act entitled "an Act to incorporate the Jewett City Bank."

Whereas the Bank Commissioners have made their Report to this General Assembly, showing that the Directors of the Jewett City Bank, are so managing and conducting the same, that the interests of the stockholders, as well as the security of the public, are endangered: Therefore,

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the Bank Commissioners be, and they hereby are authorized to call a meeting of the stockholders of said bank, at such time and place as said Bank Commissioners shall direct; they giving public notice thereof by advertising the same in the newspapers printed in the town of Norwich, at which meeting, such stockholders shall be, and they hereby are authorized to appoint, not more than eleven nor less than nine directors of said bank, who shall be authorized to enter upon the performance of the duties of such office, and that upon such appointment, so made as aforesaid, the powers of the present directors of said bank shall cease, and they shall no longer have authority to act as such, excepting only as they shall be appointed at such meeting of said stockholders, so to be held as aforesaid.

Bank Commissioners, when to call a meeting of the stockholders —how to give notice—power of stockholders and present directors of said bank.

SECT. 2. *Be it further enacted*, That if in the opinion of the Bank Commissioners, the public or the stockholders of the Jewett City Bank, are, or at any time hereafter shall be in danger of being defrauded by the mismanagement of said bank and its funds, by any person or persons, having the direction or control thereof, said Commissioners, or the Attorney of the State for the county of New London, on the information of said Commissioners, shall forthwith, prefer a complaint to the Superior Court for said county, if in session, or to a Judge of the Superior Court in vacation, stating the grounds of such complaint, and praying that said bank, and all persons having the direction or control thereof, may be enjoined from farther proceedings in their business, either wholly or to such extent as such Commis-

Duty of Bank Commissioners, If fraud is discovered in the management of said bank, and powers of Commissioners or Attorney for the State of the county of New London to stay farther proceedings by said bank, &c.

sioners or Attorney on their information, shall deem necessary, and for such farther action of the court or judge, as the exigency of the case may require. And thereupon said Superior Court, or said judge in vacation, may, if it shall appear to such court or judge, to be necessary for the safety of the public or the stockholders of said bank, forthwith issue a writ of injunction to the President, Directors, Cashier and other agents of said bank, enjoining them from proceeding in transacting the business thereof, to such extent as such court or judge shall deem necessary. And said court or judge, shall cause notice of said proceedings and a citation to be issued and served on said bank, and the person or persons, having the direction or control thereof as aforesaid, commanding them to appear before such court or judge, in manner and form, and for the purposes provided in the 14th section of the act entitled "an Act concerning Banks," and may, after hearing the parties interested, dissolve such injunction, or continue the same, and exercise in regard to said bank, as the exigency of the case may in the opinion of such court or judge require, all the powers conferred by the section aforesaid. And whenever any of the powers aforesaid, shall be exercised by a judge of the Superior Court in vacation, the proceedings in said case shall be returned to the Superior Court for said county, at the next following term thereof, there to be further proceeded with in the same manner as if the same had been originally commenced in such court.

SECT. 3. *Be it further enacted*, That so much of the provisions of the charter of said bank, as is inconsistent with this act, be, and the same is hereby repealed.

SECT. 4. *And be it further enacted*, That this act shall take effect from the passage thereof.

Approved June 8th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER VI.

An Act in addition to "an Act concerning Banks."

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That no stock of any bank in this State, that is transferred, hypothecated or pledged to any such bank, or to any person in trust for such bank, or is held in trust or owned by any other banking incorporation, shall be voted on at any meetings of the stockholders of such bank.

What stock in banks may not be voted on at a meeting of stockholders.

SECT. 2. Whenever by the charter of any bank the number of shares of stock in the same, to be held by any person, copartnership or corporation shall be limited, if any of the stock of such banks shall be held in trust for any person, copartnership or corporation, such number only of said shares so held in trust as aforesaid, shall be voted upon, as will, with the shares held by such person, copartnership or corporation in his or their own name, equal the number so limited by such charter. Any person who shall vote upon any shares of stock in any bank, in violation of the provisions of this act, shall be disqualified from holding any office in such bank, for the term of one year thereafter.

Shares of stock limited, if held in trust—how to vote on such shares.

Penalty for violation of 2d section.

SECT. 3. No person shall be entitled to vote at any meeting of the stockholders of any bank in this State, as the attorney, proxy or agent of any other person, copartnership or body politic, without a power for that purpose duly executed, and on which power shall be indorsed the oath or affirmation of the person or of one of the copartners, or of the agent or attorney of the body politic, granting such power, in the words following, to wit:—"I do solemnly swear (or affirm as the case may be) that I am, (or that the copartnership, consisting of myself and _____ are; or that the corporation known by the name of _____ is, as the case may be) truly and in good faith, the owner (or owners, as the case may be) of the shares in the capital stock of the bank of, (as the case may be) specified in the within power of attorney, and that no other person has any interest in said shares, directly or indirectly, except as stated in said power;" which oath or affirmation may be taken before a judge, justice of the peace or notary public, who shall

No attorney, proxy or agent shall vote, &c. without a power of attorney, with an oath endorsed on such power.

Who to administer oath.

When a stockholder shall file his affidavit, and how.

certify the same : and whenever at any meeting of the stockholders of any bank in this State, it shall be claimed by a stockholder, that any other stockholder has no right to vote on the stock on which he offers to vote, such stockholder shall not be permitted to vote on such stock until he has lodged with the presiding officer of said stockholders' meeting, an affidavit by him subscribed, made in the manner prescribed in the foregoing section of this act, except that in lieu of the words "as stated in this power," used in said section, the stockholder so offering to vote, shall state the character and amount of the intetest (if any) owned by any other person, copartnership or body politic in such stock.

How much directors may be indebted to any bank.

SECT. 4. The directors collectively, of any bank in this State, shall not be indebted to such bank on notes and bills discounted at such bank for their benefit, or for the benefit of any or either of them, to an amount exceeding one third of the capital stock of such bank actually paid in : *Provided however*, that nothing herein contained, shall be so construed as to extend or increase the amount for which any director of any bank may be indebted or liable to such bank, as the same is limited by the 3d section of the act in addition to an act entitled "an act concerning banks," passed in the year 1838 : and no person not a resident of this State, shall be eligible or qualified to act as a director of any bank in this State.

Non-residents not to be directors in any bank in this State.

Repeal of 1st section of "an Act relative to incorporated banks."

SECT. 5. *Be it further enacted*, That the first section of an act, entitled "an act relative to incorporated banks," empowering the several banks in this State to issue post notes, be, and the same is hereby repealed.

Approved June 8th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER VII.

An Act in addition to "An Act to incorporate the Windham County Bank."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the directors

of the Windham County Bank, be, and they are hereby empowered to reduce the capital stock of said Bank, to a sum not less than seventy-five thousand dollars, exclusive of what is or may be invested therein by this State, and of such subscriptions as are authorized by the act incorporating said bank, and to adopt such measures for effecting the same as the interest of the bank, and of the public may require—*Provided*, That such reduction shall, in the first instance, be effected from the stock owned by said bank, and that no stockholder, shall be required to release his stock in said bank without his consent.

Directors empowered to reduce the capital stock, &c.

The reduction to be on stock owned by said Bank.

Approved June 4, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER VIII.

An Act in further addition to "an Act concerning Book Debts."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the action of book debt, subject to the same regulations and restrictions as are now by law provided for such action, shall be a remedy concurrent and co-extensive with the action of general assumpsit for the use and occupation of houses, lands, tenements, or other real estate.

In the action of book debt may be recovered, rents, use of houses, lands, &c.

Approved June 4, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER IX.

An Act in addition to an Act for the Regulation of Civil Actions.

Reports of judicial decisions of other states, when to be evidence in this State.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the reports of the judicial decisions of other States and Countries, may be judicially noticed by the Courts of this State, as evidence of the common law of such States or Countries, and of the judicial construction of the Statutes, or other laws thereof.

Approved June 5, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER X.

An Act in addition to the Act entitled "An Act concerning Crimes and Punishments."

Writs of error to reverse a judgment for any capital offence—when to be brought, &c.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That no writ of error, brought to reverse the judgment rendered upon a conviction for any capital offence, shall supersede the execution of such judgment or sentence, unless the same shall be made returnable to the first term of the Supreme Court of Errors next succeeding the rendition of such judgment, to which by law, the same can be made returnable, or unless the same shall be signed and allowed by such judges of said Court as shall, at the time of such allowance, constitute a majority of said Court, qualified to act therein.

Time for execution of such judgment—who to issue a writ of execution, &c.

SECT. 2. Whenever, by reason of the pendency of such writ of error, duly allowed and served, such judgment or sentence shall not be executed at the time assigned therefor by the Superior Court rendering the

same, and said judgment shall not be reversed on such writ of error, said Supreme Court of errors, after the final determination of such writ of error, whether by judgment of affirmance, discontinuance, or otherwise, shall fix and appoint the time for the execution of such judgment or sentence, and the clerk of said Court shall issue a writ of execution therefor, pursuant to the order of said Supreme Court of errors.

Approved June 4, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XI.

An Act in addition to "an act for constituting and regulating courts, and for appointing the times and places of holding the same."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Westbrook shall be, and constitute a part of the probate district of Saybrook.

Westbrook a part of the probate district of Saybrook.

Approved June 4, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XII.

An Act prescribing the duties of Clerks of the County and Superior Courts, in certain cases.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That whenever any person shall be sentenced by the County or Superior Courts, to commitment in the Connecticut State Prison, it shall be the duty of the Clerks of said Court, to give immediately after the rising of said Courts, notice of such sentence, by mail, to the Warden of said Prison.

Duty of clerks of Superior and County Courts to give notice to the Warden of State Prison, of all sentences to said Prison immediately after the rising of said Courts.

Approved June 4, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XIII.

An Act in alteration of an act entitled "an Act for constituting and regulating Courts, and for appointing the times and places of holding the same."

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That the present Probate District of Stratford, shall hereafter be called and known by the name of the Probate District of Bridgeport.

Probate District
of Stratford call-
ed Probate Dis-
trict of Bridge-
port.

SECT. 2. That the town of Stratford, be, and the same is hereby constituted a Probate district by the name of the Probate district of Stratford. *Provided, however,* that all matters and business begun and entered in the Court of Probate for the former district of Stratford, shall be completed therein in the same manner as though this act had not been passed; and *provided, also,* that the books, papers, files, records and effects of the original district of Stratford, shall be and remain in the district of Bridgeport.

Stratford made
a Probate Dis-
trict.

SECT. 3. That so much of the act of which this is an alteration, as is inconsistent herewith, be, and the same is hereby repealed.

Approved June 4, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XIV.

An Act in alteration of an Act entitled "an Act for constituting and regulating Courts and for appointing the Times and Places of holding the same."

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That the

County Court within and for the county of Fairfield, shall hereafter be holden on the second Tuesday of August, at Danbury in said county, and on the last Tuesday of December, at Fairfield, in said County; and the Superior Court within and for said County shall hereafter be holden on the fourth Tuesday of September, at Danbury in said County, and on the second Tuesday of February in Fairfield, in said County, instead of the times now fixed by law; and so much of the act aforesaid as appoints the times of holding said County Court on the first Tuesday of January, and the times of holding said superior Court on the last Tuesday of October, and on the Tuesday next following the first Monday of April, is hereby repealed.

Time of holding Superior and County Courts in Fairfield county.

SECT. 2. *Be it further enacted*, that all suits, matters and causes, now pending in, or returnable to, or which shall, at any time within the next twenty days after the rising of this Assembly, be made returnable to said County or Superior Courts as now established, shall be entered and proceeded with, at the next terms of said County or Superior Courts respectively as herein established, in the same manner as if the times of holding said Courts had not been altered.

All suits now pending or brought within 20 days after the rising of this Assembly, to be tried in said courts.

Approved June 4, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XV.

An Act concerning the Supreme Court of Errors.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened*, That the next session of the Supreme Court of Errors, in the county of Hartford, be holden in said County on the first Tuesday of July, 1840, instead of the time now by law prescribed for that purpose.

Supreme Court of Errors for Hartford county, when to be holden.

SECT. 2. All process made or to be made returnable to the session of said Court, as heretofore by law, to be holden on the second Tuesday of June, 1840, and all business or matters pending before said Court, shall be

All process returned to said court as of the 2d Tuesday of June, 1840, to be tried by said court on the 1st Tuesday of July, 1840.

proceeded with, heard and determined at said session, to be holden on said first Tuesday of July, 1840.

SECT. 3. This act shall be in force from the time of the passage thereof.

Approved June 8, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XVI.

An Act to amend the Charter of the City of New-Haven.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That the Court of Common Council of the city of New-Haven, shall have power from time to time, as public convenience may require, to designate and fix the width, course, heighth and level of gutters, in and upon the streets and highways in said city, and to cause the same to be paved, and to order so much of the expense thereof, as they may deem just and reasonable to be paid out of the city treasury, and the residue by the adjoining proprietors; and the several provisions of the act entitled "an act regulating the side walks in the cities of Hartford, New-Haven and Middletown," are hereby extended to, and shall govern the proceedings of said Court of Common Council in relation to gutters, except so far as the same may be inconsistent with the provisions of this act.

Powers of the
Common Council
of city of N.
Haven to regulate
gutters, &c.

Proviso as to its
force.

Provided nevertheless, That this act shall not be in force unless the same shall be assented to by the Mayor, Aldermen, Common Council, and Freemen of said city, at a meeting legally holden for that purpose, and the evidence of their assent transmitted to the Secretary of this State, to be recorded in the public records thereof, on or before the first day of August, 1840.

Approved June 6, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XVII.

An Act conferring certain powers on the towns therein named.

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That the electors' meetings in the towns of Hartford and New-Haven, shall be opened at seven o'clock in the morning, and the ballot boxes for all officers to be chosen at such meetings shall also be opened at that time.

Electors' meetings in Hartford and New Haven, when to be opened, &c.

SECT. 2. The Constables of said towns, whose duty it is to warn such meetings, shall specify in their warnings the time at which such meetings shall be opened.

Constables to specify in warning time of meeting.

SECT. 3. Whenever the list of electors in any town, qualified to vote for Representatives therein, as made out by the town Clerk and Selectmen, and heretofore used, or that shall hereafter be used at any electors meeting, shall contain more than seven hundred names, such town, at their next annual town meeting, a notice to that effect having been inserted in the warning therefor, shall have the right, if they see fit, to order that all future electors' meetings in such towns shall be warned, opened and holden, at the time and in the manner specified in the first two sections of this act.

If a list of electors in any town exceed seven hundred names, such town may meet at 7 o'clock A.M. on electors' meeting day.

SECT. 4. Any town having passed the order named in the preceding section of this act shall have the power to rescind the same only at a future annual town meeting, a notice to that effect having been inserted in the warning therefor.

Approved June 5, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XVIII.

An Act regulating special Electors' Meetings for the choice of Representatives in the Congress of the United States.

Warnings for meetings to fill a vacancy in Congress, how and when given.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That the warning for meetings of the electors of this State, to fill any vacancy in the representation of the people of this State, in the Congress of the United States, shall be given at least fourteen days previous to the day of such election.

The board of Registration, when and where to meet—what notice to give—power to adjourn, &c.

SECT. 2. The board of Registration of the several towns in this State, shall meet in their respective towns at such convenient place as they may appoint, on the Monday of the week preceding the week on which the meetings specified in the preceding section of this act are to be holden, having given at least two days previous notice thereof, by posting the same on the several sign posts in their respective towns; and said board may adjourn from time to time, but shall be in session on the Saturday next preceding said electors' meeting, from ten o'clock A. M. to two o'clock P. M., and longer if necessary for the proper discharge of their duties.

Board to be sworn—to have list of electors, &c.—to administer oath to electors.

SECT. 3. Said board shall be organized and sworn in the manner provided in the act entitled "An Act to provide for the registration of the names of the electors of this State;" they shall have before them a copy of the list of the electors qualified to vote in said town, and which was used at the next preceding electors' meeting in said town, and shall during said week, have the same power to correct and revise said list, and to examine and decide upon all applications to be admitted an elector, and to administer the oath to those so found to be qualified, as they now by law have, during the week next preceding the first Monday of April in each year.

List of electors, where kept.

SECT. 4. At all times during the week preceding such Congressional election, while the board are not in session, said list, as altered by them, shall be left in the office of the town clerk for public inspection.

SECT. 5. Said board shall hold a session on the day of such Congressional election, at the place where such election is held, and before the opening of the electors' meeting, for the purpose of admitting and registering as electors, those applicants only, legally qualified to be so admitted, who have attained the age of twenty-one years, since the last meeting of the board.

Board of electors to meet on the day of election, and their duty.

SECT. 6. Duplicate copies of said corrected lists shall be made, authenticated by the signatures of said board, or a majority of them, one of which shall, on the Saturday next preceding the day of said Congressional election, be lodged in the office of the town clerk for public inspection, and the other shall, before the opening of the polls on the day of said meeting, be delivered to the presiding officer thereof, who shall conform thereto in receiving the votes of the electors at such meeting, except so far as the same may be altered in the manner hereinafter prescribed, and he shall receive the votes of all persons whose names are on said list, and he shall not receive the votes of any persons whose names are not on said lists, and the names of the electors voting shall be checked in the manner prescribed in the act entitled "an act to provide for the registration of the names of the electors of this State;" and said list and checks thereon, shall be preserved in the manner specified in said act, and said board shall be in session during the time of voting, for the purposes only, which are specified in the proviso to the 14th section of said act.

Duplicate lists, authenticated by the board, to be made, and where lodged—to receive votes of persons on said list only—names of voters to be checked, and how.

SECT. 7. Said board, while in session under the provisions of this act, may examine witnesses and applicants under oath, if they see fit, and any person so examined, who shall be guilty of wilful false swearing, upon conviction thereof, shall suffer the punishment prescribed by law for the crime of perjury.

Board to examine witnesses and applicants under oath, when—if guilty of wilful false swearing shall be guilty of perjury, &c.

SECT. 8. All offences against the provisions of this act, shall be punished in the manner provided for the like offences in the act entitled "an act to provide for the registration of the names of the electors of this State."

Offences under this act, how punished.

SECT. 9. All acts and parts of acts relating to election, and the admission of electors, and inconsistent herewith, are hereby repealed.

Approved June 8, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XIX.

An Act to provide for the Registration of the names of the Electors of this State.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That the selectmen and town clerk of each town in this State, shall constitute a board to make Registration of the names of the electors in such town, and to ascertain and determine who are entitled to vote therein, for all the officers to be elected on the first Monday of April annually, and also of all who are entitled to vote at each successive election of electors of President and Vice President of the United States, commencing on the first Monday of November next; and said board shall be called the board of Registration.

Who to constitute the board to register names and determine who may vote, &c.—name of the board.

SECT. 2. The town clerk shall officiate as clerk of said board, and in case of his absence, said board may appoint any other person clerk thereof, who shall be sworn to a faithful discharge of duty; and the members of the board, before they enter upon the duties herein prescribed, shall take the following oath:—You each of you solemnly swear, (or affirm, as the case may be,) that you will faithfully, impartially, and according to your best judgment, perform the duties of a member of the board of Registration for the current year, in conformity with the laws of this State. So help you God.

Duty of the board, when to meet, decide who are voters—to make a list of names—where lodged, when and how authenticated.

SECT. 3. It shall be the duty of the board in each town, to meet by the first Monday of March annually, and proceed forthwith by diligent inquiry, to ascertain the names of all the electors in such town, who are legally qualified to vote for all the officers to be chosen at the next State election, and also of those who are entitled to vote only for a portion of them; and they shall complete separate alphabetical lists of such names, and lodge the same, authenticated by the signatures of the members of said board, or a majority of them, in the office of the town clerk, for public inspection, on or before the third Monday of the same month.

SECT. 4. In order to ascertain who are legally entitled to vote at the election of electors of President and Vice President of the United States in November next,

and at each succeeding one, said board shall meet in each town, on the Tuesday next following the first Monday of October, 1840; and on the Tuesday next following the first Monday of October quadriennially thereafter, and proceed as before named, to make out an alphabetical list of all the electors who are entitled to vote at such elections, which list shall be authenticated in the manner named in the preceding section, and lodged in the office of the town clerk, on or before the third Monday of the same month.

Board when to meet on election of President and Vice President of the U. S.—to make list, how—and how authenticated—and where lodged and when.

SECT. 5. True copies of said lists, attested by the clerk of the board, shall, on or before said third Monday of March, and said third Monday of October, be posted up in such places as the inhabitants of the town, at any lawful meeting, may direct. And in case of failure to designate such places, the board shall cause copies of such lists to be posted upon three or more public places, in their respective towns.

Copies of list of electors, where and when posted.

SECT. 6. It shall be the duty of the board in each town, to meet at such convenient place as they may appoint, on the last Monday in March annually, and on the last Monday of October, 1840, and on the last Monday of October quadriennially thereafter, at 10 o'clock, A. M. on said days, to correct and revise such lists, and they shall remain in session for that purpose, and for the purpose hereinafter prescribed, till five o'clock, P. M. of the said days, with the liberty of any necessary recess during said time; and said board may adjourn from time to time, but shall be in session on the Saturday next preceding the said first Mondays of April and November, from 10 o'clock, A. M. till 2 o'clock, P. M., and longer if necessary to perfect said list, and to examine and decide upon all applications to be admitted to the privilege of elector, and to administer the oath by law provided, to those so found to be qualified. Any person claiming to be an elector in such town, shall have a right to apply to said board for the registration of his name, and also for that of any other person or persons, omitted in the Registry, and may also object to the registration of the name of any person, (either inserted by the board, or proposed to be inserted,) on the ground that such person is not legally entitled to vote in said town. Said board shall make such erasures from, and such additions to the lists, as they shall find to be necessary to render the same a complete and perfect registry of the electors of such town, entitled to vote at those elections, which

Board of Registration, when and where to meet to revise list, &c.—who may apply to said board, &c.

lists shall also be authenticated as aforesaid. *Provided*, that the name of no person shall be erased from the lists, till he shall have had a fair opportunity to be heard thereon.

SECT. 7. The board shall give notice of the time and place of holding their sessions to correct and revise the Registry lists, upon the lists posted up as before directed, and by advertising the same in one or more newspapers, if any are published in the same town. And in addition to the sessions of the board before named, they shall hold a session on the day of election, before the opening of the electors' meeting, and at the place where said meeting is held; and whenever an adjourned meeting of the electors of any town shall be held for the choice of a representative or representatives to the General Assembly, said board shall also, at said place, hold a session on the day of election, previous to the opening of the meeting; which said sessions shall be only for the purpose of admitting and registering, as electors of such towns, those applicants legally qualified to be so admitted, who have attained the age of twenty-one, since the last session of the board.

SECT. 8. Duplicate copies of said corrected lists, shall be made, one of which shall, on the Saturday next preceding the said first Monday of April and November as aforesaid, be lodged in the office of the town clerk, for public inspection; and the other shall, before the opening of the polls on the said first Monday of April (or at any adjourned electors' meeting) and on said first Monday of November, be delivered to the presiding officer of such electors' meetings, who shall conform thereto in receiving the votes for all officers to be elected at said meetings or at any adjourned meeting of the electors, for choice of representatives, except so far as the same may be altered in the manner by this act prescribed. And said presiding officer shall receive the votes of all persons whose names are on said lists of voters as certified by said board, and he shall not receive the vote of any person whose name is not on said lists. The name of each elector, at the time of voting, shall be checked by the town clerk or one of the selectmen, or by one or more persons appointed by them.

SECT. 9. The original official list of voters, as made out by the board, and the list or lists used on the day of election, with the marks or checks upon the same, shall, by the presiding officer of said meeting, within twenty-

The board to give notice of time and place to revise the list, &c. —what notice to give—to hold a session on the day of election, where and when and who then to be registered.

Duplicate copies where lodged and when—duty of presiding officers—to check names of electors and by whom.

The list of names used at elections to be lodged with town clerk with-

four hours after the final adjournment of the same, be lodged in the office of the town clerk, where the same shall be kept on file and carefully preserved.

in 24 hours after adjournment, &c.

SECT. 10. If any member of the board of Registration, or if any presiding officer of an electors' meeting, or any clerk, appointed to perform the service specified in this act, shall without just or reasonable cause refuse or neglect to discharge any of the duties herein prescribed, he shall, on conviction, be subject to a fine of two hundred dollars, payable to the treasury of the county in which said officer resides; and if said member, presiding officer or clerk, shall be guilty of fraud in performing said duties, he shall be subject to a fine of five hundred dollars, payable to the treasury of this State, or to imprisonment in the county gaol, for a term of time not exceeding six months, or to such fine and imprisonment both, at the discretion of the court having cognizance of the same.

Penalty on officers refusing to officiate, &c.—penalty for fraud in said officers, &c.

SECT. 11. If any person shall wilfully give a false name, or any false answer to the board of Registration, when in session, he shall forfeit the sum of fifty dollars, to be paid into the treasury of the State; and if any person whose name is not on the Registry list, shall vote or attempt to vote at either of the elections named in this act, on the assumed name of any other person, whose name is on said list, he shall, on conviction, be subject to a fine of one hundred dollars, payable to the treasury of this State, and to one year's imprisonment in the county gaol.

Penalty for giving a false name or answer to the board, &c.—penalty for voting under a false name, &c.

SECT. 12. The Selectmen and Town Clerk of the several towns in this State, in lieu of the time now by law provided for that purpose, shall meet at the place of holding electors' meetings, or at such other place as shall be designated by said towns, or the Selectmen thereof, on the last Monday of March annually, and on the last Monday in October, 1840, and on the last Monday in October quadriennially thereafter, at nine o'clock. A. M., of said days, for the purpose of examining and deciding upon all applications, to be admitted to the privileges of an elector, and shall continue in session for that purpose, and for the purpose herein before prescribed, till five o'clock, P. M., of said days, if so long a time be necessary, and may adjourn said meetings from time to time: *Provided*, That no person shall be admitted an elector on the said first Mondays of April and November, ex-

Duty of Selectmen and Town Clerks, &c.

cept such as have attained to the age of twenty-one years, after the last meeting of the board.

Board may examine applicants and witnesses on oath, and penalty for false swearing.

SECT. 13. The board for the admission of electors, may, at their discretion, examine applicants, for said privilege, and witnesses who appear before them, under oath; and if any person shall in giving his testimony before such board, be guilty of wilful false swearing, such person shall, upon conviction thereof, suffer the punishment prescribed by law, for the crime of perjury.

Where electors may vote, and for whom, and qualifications of electors to vote, &c.

SECT. 14. Every legally qualified elector of any town in this State, having resided in the State the time required by law, shall be authorized to vote in any other town in the State for Governor, Lieutenant Governor, Secretary, Treasurer, Comptroller, and Electors of President and Vice President of the United States; and any such elector, who may lawfully vote for Representatives in any town in the Congressional District in which he resides, or who shall have resided for the period of four months next preceding in such Congressional District, shall be authorized to vote in any town in the Congressional District in which he resides, at any election for a Member of Congress in said district; and any such elector who may lawfully vote for Representatives in any town in the county in which he resides, or who shall have resided in such county for the period of four months next preceding, shall be authorized to vote in any town in the county in which he resides, at any election for Sheriff for said county: *Provided*, If such elector offers his vote in any other town than the one in which he may lawfully vote for Representatives, he shall produce a certificate from the Town Clerk of the town in which he shall have been admitted an elector, of such his admission. And said Town Clerk and Selectmen, in addition to the sessions prescribed by this act, shall be in session during the time of voting, for the purpose of registering the names of such legally qualified electors only as reside in other towns than the one in which they offer to vote; and the certificates required by law to be produced by such electors, shall be placed in the possession of the Town Clerk, who shall preserve the same. And said board of registration shall also be in session during the time of voting, for the purpose of registering the names of such persons only as are electors resident in said town, entitled to vote for Representatives therein, and who have theretofore been admitted or registered as electors of said town, and

have been omitted on said list by mistake ; but no person whose name has been refused registration at any former meeting of the board, shall be permitted to make application for the registration of his name, during said time of voting. And if any person, being an elector, shall vote in more than one town on the same day for Representatives or Senator, or for either of the officers named in this section, he shall, on conviction thereof, suffer imprisonment in the county gaol for the term of one year, and be subject to a fine of fifty dollars, payable to the Treasury of this State.

Penalty for voting in more than one town on the same day, &c.

SECT. 15. The board of registration shall receive for their services such compensation as the town may direct, payable out of the Town Treasury.

Board of registration, how paid.

SECT. 16. Any person who shall wilfully tear down or deface any Registry list, which shall have been posted up by order of the board of registration, in any town, shall, on conviction thereof, be subject to a fine of seven dollars, payable to the Treasurer of the Town.

Penalty for defacing &c. registry lists, &c.

SECT. 17. The act to provide for the registration of the names of electors, passed May session 1839, and also the act passed May session, 1838, entitled "an act to amend the act entitled an act to regulate the election of Senators, and to divide this State into districts for that purpose," passed in 1831 ; and also all other act or parts of acts relating to elections and the admission of electors, inconsistent herewith, are hereby repealed: *Provided*, That all offenders against said act or acts, or any of them, may be prosecuted, convicted and punished in the same manner as if said act or acts were not repealed.

Acts repealed by this act.

Approved June 5th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XX.

An Act respecting the duties of Presiding Officers of Electors' Meetings.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened,* That it shall be the duty of every presiding officer of an electors' meeting in any town in this State, to make out in the form prescribed by law, triplicate lists of the votes given for each of the following officers, viz: Governor, Lieutenant Governor, Treasurer, Secretary, Comptroller, Senator, Sheriff, Member of Congress, and Electors of President and Vice President of the United States, whenever said officers are to be chosen; two of which lists shall be disposed of in the manner now provided by law: the other of said lists of votes, shall be sealed up by the presiding officer, directed to the Secretary of this State, and within two days after said electors' meeting, said presiding officer, shall cause the same to be deposited in the Post office in said town, or if there be none, in the Post office of an adjoining town, for transmission by mail; and it shall be the duty of the Secretary of this State, to furnish the necessary blank returns to the several towns.

Duty of presiding officer at electors meetings to make triplicate lists of votes,—for what officers, how returned, and when to Secretary of State, Secretary of State to furnish blanks to towns.

SECT. 2. In all cases where the word "duplicate" occurs in the forms prescribed by law for the return of votes to the Secretary of this State, the word "triplicate" shall be substituted.

SECT. 3. Any sheriff who shall refuse to receive any official returns of votes for Electors of President and Vice President, which shall be returned to him from any town in the county, of which he is sheriff, within the time prescribed by law for their return, or having received the same within said time, shall neglect or refuse to return said votes, or cause the same to be returned to the Secretary of this State, within fifteen days after said meeting, at which said votes were given, shall forfeit and pay to the Treasury of this State, the sum of two hundred dollars.

Refusal of Sheriffs to receive votes for Electors of President and Vice President, and neglect to return said votes to forfeit \$300.

SECT. 4. All acts and parts of acts inconsistent herewith, are hereby repealed.

Approved June 5th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXI.

An Act to provide for the making of Partition in certain cases.

SECT. 1. BE *it enacted by the Senate and House of Representatives in General Assembly convened*, That in all cases in which the interest of any deceased tenant in common, or joint tenant in any lands or tenements, shall have been by such tenant devised, so as to vest a freehold estate or estates therein in any devisee or devisees thereof, with contingent interest by way of remainder, substitution or executory devise in any other person or persons, born or unborn, the Court of Probate before which the will of such deceased tenant, in common or joint tenant is proved, or the Superior Court, which would have appellate jurisdiction thereof may, on the application of the surviving co-tenant of the premises, after reasonable notice to the devisee or devisees of such freehold estate or estates in the premises, and such other notice as such Court shall prescribe, if any, appoint a suitable person or persons, not exceeding three, to make partition of the premises; and the person or persons so appointed, after being sworn to the faithful performance of the duties of their appointment, shall proceed to make partition thereof between such surviving co-tenant, and the person or persons having vested or contingent interests under such devise; and the doings of the persons so appointed, when returned to and accepted by such Superior Court, or the Court of Probate, if appointed by such Court, shall be binding and conclusive, not only on such co-tenant and the persons, respectively, having vested freehold interests as aforesaid, but upon all other persons, who may, by virtue of such devise, become entitled to any interest in such lands or

Lands in common or Joint Tenancy of a deceased person; devised, how partition may be made, and by whom.

tenements by way of remainder, substitution or executory devise as aforesaid, and their heirs and assigns respectively.

SECT. 2. *Be it further enacted*, That partition may be made in like manner, on the application of any devisee or devisees of a freehold interest or interests in the lands or tenements holden in common as aforesaid, between such co-tenant and the devisee or devisees aforesaid, and between such devisees respectively.

Approved June 6th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXII.

An Act to prevent the commission of Waste in certain cases.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That persons having no greater interest in real estate than for years or for life, which said interest is created by the act of the party and not by the act of the law, shall have no right to commit waste upon the premises, beyond what tenants for years or life created by operation of law may do, unless expressly authorized by the contract under which such interest is created, any law or usage to the contrary notwithstanding. *Provided* nevertheless, that all rights now vested in any tenant, for years or for life, shall remain as if this act had not been passed.

Estates for years or life created by the act of the party, not to commit waste on the property, &c.

Approved June 6th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXIII.

An Act to authorize a cession of Jurisdiction in certain
Lands to the United States.

Whereas, the United States, having purchased of James L. Morris, a certain tract of land, situated in Stonington borough, State of Connecticut, for the site of a Lighthouse, the said lot bounded as follows, viz ; on the east by the Salt water, on the south by lands of Elisha Faxon and Elisha Faxon Jr., on the west by a drift-way or street running northerly and southerly, and on the north by lands owned by Daniel Smith, William W. Rodman and Doct. William Hyde, containing by estimation, one and one half acres, be the same more or less :

BE *it enacted by the Senate and House of Representatives in General Assembly convened*, That the Governor be, and he is hereby authorized and directed to cede the jurisdiction of this State, over the above mentioned tract of land to the United States, by deed of cession under his hand and the seal of the State, countersigned by the Secretary of State, and in the form prescribed in the act passed in October, 1817, entitled "an Act to authorize a cession of Jurisdiction in certain lands to the United States, and for other purposes," reserving to the State the right of serving and executing within the limits of said tract, all legal process, both civil and criminal.

The Governor to cede lands to the United States in Stonington, for a Lighthouse.

Approved June 4th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXIV.

An Act concerning the Sale of Estates of Insolvent Debtors.

Who may sell estate of insolvent debtor, that is assigned for benefit of creditors.

BE *it enacted by the Senate and House of Representatives in General Assembly convened*, That whenever the Court of Probate shall order the sale of the estate of an insolvent debtor, assigned for the benefit of creditors or any part thereof, the Judge may, on application by the trustee, authorize another person to sell such estate or any part thereof, upon such person's first giving bond to such court with sufficient surety, conditioned that he will faithfully discharge said trust and pay to said trustee the sum for which such estate shall be sold ; and at any sale made by such person so authorized, the trustee may be purchaser:—*Provided*, that whenever an application shall be made to a Court of Probate by any trustee for the appointment of another person to sell such estate, the said Court shall order said trustee to give notice by advertising in a newspaper or otherwise, as said Court shall direct.

Approved June 5th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXV.

An Act concerning Suits on Mortgages.

On action of ejectment against mortgagor before any mortgage debt is due, a tender of debt and interest, to bar farther prosecution.

SECT. 1. BE *it enacted by the Senate and House of Representatives in General Assembly convened*, That whenever any real estate has been, or shall be mortgaged to secure the payment of any debt or debts, and such mortgagee or other person holding such mortgage, by assignment or otherwise, shall commence and prosecute any action of ejectment to recover the possession of

such mortgaged premises, or any part thereof either against such mortgagor, or any other person or persons holding the same under him, at any time when no part of such debt or debts or interest thereon, shall be due and payable according to the tenor of such mortgage, it shall and may be lawful for the defendant in such suit, or such mortgagor, or his heirs or assigns, or any other person, whose duty it may be to pay such debt or debts, to tender the same with the interest which shall be due thereon, and the costs of such suit, to the person or persons authorized or entitled to receive the same, and such tender duly and legally made, shall be a bar to the further prosecution of such suit or action.

SECT. 2. Whenever any real estate has been or shall be mortgaged as aforesaid, and such action of ejectment shall be commenced and prosecuted when a part only of such debt or debts, or the interest thereon shall be due, and payable, according to the tenor of such mortgage, it shall and may be lawful for the defendant in such suit, or the mortgagor or his heirs or assigns or any other person or persons, whose duty it may be to pay such debt or debts, to tender such part of the same as may be then due and payable with the interest which shall have accrued thereon, and the costs of such suit, to the person or persons duly authorized or entitled to receive the same, and such tender duly and legally made, shall be a bar to the further prosecution of such suit.

How to proceed, if a part of said mortgage money be due, &c.

SECT. 3. Whenever any such action of ejectment shall have been commenced, and such tender shall be made as is herein before set forth, and such mortgagee or other person or persons authorized or entitled to receive such debt or debts as aforesaid, shall refuse to receive the same so tendered, the holder of such debt or debts shall not be entitled to recover any interest thereafter accruing thereon.

If mortgagee refuse such tender, to receive no interest after the tender.

Approved June 6th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXVI.

An Act for the better security of the inhabitants of this State against losses by Fire.

BE *it enacted by the Senate and House of Representatives in General Assembly convened*, That in all suits and actions against any person or persons, or against any incorporated company, for the recovery of damages on account of any injury to any property, whether real or personal, occasioned by fire communicated by any locomotive engine while upon or passing along any rail road in this State, the fact that such fire was so communicated shall be taken as full *prima facie* evidence to charge with negligence the corporation, person, or persons who shall at the time of such injury by fire, be in the use and occupation of such rail road, either as owners, lessees, or mortgagees, and also those who shall at such time, have the care and management of such engine, unless such person, persons, or corporations shall show that no negligence was at such time justly chargeable to them or those in their employment.

Loss by fire, by a locomotive engine, proof of, and liability for, and who to be liable.

Approved June 8th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXVII.

An Act in addition to an Act entitled "an Act relating to Guardians and Minors."

SECT. 1. BE *it enacted by the Senate and House of Representatives in General Assembly convened*, That all persons, whether of full age or not, except married women whose husbands are living, may, by their last will and testament, executed in the same manner as the law requires for the devise of land, appoint a guardian or guardians to their minor children, born or unborn ;

Devisors, (except married women) by will may appoint guardians to their minor children, &c.

and the person or persons so appointed, shall, upon giving bond to the judge of the Court of Probate where such will is proved, with sufficient surety for the faithful discharge of his or their trust, have the same power over the person and estate of such child or children, as guardians appointed by the Court of Probate by law now have.

SECT. 2. The Courts of Probate shall have power to remove such guardians, for good and sufficient reasons shown, and to appoint others in their place, who shall give bond, with sufficient surety, for a faithful discharge of their trust as aforesaid.

Courts of Probate may remove guardian for cause, &c.

SECT. 3. *Always provided*, That where the custody of such child or children, shall have been committed to the mother, by the Superior Court or by the General Assembly, she alone shall have the power of appointing such guardians, who shall receive said trust, subject to the above control of the Court of Probate, and also subject to the same provisions and restrictions, and to the same power of modifying or revoking said trust in the General Assembly and the Superior Court, as said trust was subject to in the hands of said mother, at the time of her decease.

In what case the mother may appoint such guardian, &c.

Approved June 4th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXVIII.

An Act relating to Incorporated Companies.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That no incorporated company of this State, which may have failed to comply with the requirements of its charter, in giving notice of its meetings, or which has neglected to pass by-laws to regulate the mode of warning, and the times and places of holding such meetings, shall in consequence thereof be dissolved, or forfeit the rights conferred by its charter; nor shall its proceedings subsequent to such failure or neglect, be on that account void; but such company may be convened by notice to be given in the

Confirmatory act in favor of incorporated companies.

manner prescribed by its charter for the first meeting of such company, or by a notice, specifying the time and place and object of such meeting, signed by the acting president, or if there is no such president, then by the secretary or clerk of such company, published in a newspaper printed in the county where such officer signing said notice lives, at least three weeks successively before such meeting ; and if no newspaper be published in said county, such notice shall be so published in some newspaper printed in an adjoining county ; and at such meeting it shall be lawful for such company by a major vote, to confirm all or any of its former acts, votes, by-laws, appointments and proceedings, not inconsistent with its charter or the laws of this State—*Provided*, that nothing in this act shall revive any corporation whose powers have expired from any causes other than those above named, nor any corporation which shall have in fact abandoned and ceased to exercise the franchises granted by its charter.

Approved June 6th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXIX.

An Act for the further relief of honest and Insolvent Debtors.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly convened*, That it shall be lawful for any poor debtor who is unable to pay the debt or demand against him in favor of any creditor or creditors, to make application to the County Court in the county where such debtor resides, to administer to such debtor the oath provided by law for poor imprisoned debtors, in the form prescribed in the fifteenth section of the Act entitled “an Act concerning gaols and gaolers,” substituting the word “liable” for the word “imprisoned” in said form. And such debtor shall cause notice to be given to such creditor or creditors, or any of them, if inhabitants of this State ; otherwise to the attorney of such creditor or creditors, or any of them, to appear and show reason, if any they have, why such

Poor debtors to apply to County Court to administer oaths, &c. duty of debtor to give notice &c.—notice how served and when—duty of Court, &c.

oath should not be administered: which notice shall be signed and served as other process returnable to said Court, and at least twelve days inclusive before the session thereof; and said Court shall proceed to inquire into the matter, and to examine the applicant on oath touching the same, and if no sufficient reason appear or be shown by such creditor or creditors to the contrary, shall administer to said debtor the oath aforesaid, and cause a record to be made of the same.

SECT. 2. *Be it further enacted*, That such debtor shall not thereafter be liable to be imprisoned on any execution issued, or which shall be issued on any judgment then in force, or which may thereafter be recovered before the Court aforesaid, or any other Court in this State, on any claim founded on contract, existing at the time of the administration of such oath, in favor of any creditor so notified, or under any writ of attachment on such judgment or claim, unless such creditor shall allege in his writ on such claim, and satisfy the court rendering such judgment, that such debtor has property to the amount of seventeen dollars at least, over and above what he is by law permitted to retain on the administration of such oath, on which inquiry the debtor shall be a competent witness.

Exemption from imprisonment of such debtors &c.

SECT. 3. *Be it further enacted*, That if any person committed to gaol on any execution issued on the judgment of a justice of the peace, or an alderman of the city, or of any appellate court, from the judgment of a justice of the peace or alderman, shall take the poor debtor's oath before a justice of the peace, pursuant to the provisions of the act entitled "an Act concerning gaols and gaolers," and the acts in addition thereto, such debtor shall thereupon be discharged from imprisonment, and no review shall be allowed in said cause.

Any person committed to gaol on execution of a Justice of Peace, Alderman &c.—taking the poor debtor's oath shall be discharged and no review allowed.

SECT. 4. *Be it further enacted*, That such debtor shall not thereafter be liable to be imprisoned on any other execution issued or to be issued, or on any other judgment then in force, or on any judgment thereafter rendered, on any cause of action within the original jurisdiction of a justice of the peace, founded on contract, existing in favor of the same creditor, at the time of the administration of such oath, or any writ of attachment on such judgment or claim, unless said creditor shall allege in his writ on such claim, and satisfy the court rendering such judgment, that such debtor has property to the amount of seventeen dollars at least over and above

On what debts such debtors may afterwards be imprisoned, &c.

what he is by law permitted to retain on the administration of such oath, on which inquiry the debtor shall be a competent witness.

SECT. 5. *Be it further enacted*, That in all other cases in which a review is by law allowed after the administration of the poor debtor's oath, notice of his intended review, shall be forthwith given by the creditor in writing to the debtor, and application therefor, shall be made and the same shall be returnable to the court of review within five days after such oath shall have been administered; and such court of review may be held either by the Judge of the County Court alone, or by a Judge of Probate and Justice of the Peace residing in the county in which the debtor is imprisoned. And in case such notice is not given, or such application is not made and returned within the period aforesaid, such debtor shall be no longer detained.

Review, notice, what, and how given by creditors. Court of review, by whom held.

In cases in which a review may be had, after oath of the debtor imprisoned on execution—debtor is entitled to the oath—debtor not to be imprisoned on any other execution or debt then existing in favor of said creditor, &c.

SECT. 6. *Be it further enacted*, That in all cases in which a review may be had, after the administration of the poor debtor's oath, to any debtor imprisoned on execution, if the creditor shall not apply for a review, or having applied, if the court of review shall decide that the debtor is entitled to the oath, such debtor shall not thereafter be liable to be imprisoned on any execution in favor of such creditor for any other debt then existing, or under any writ of attachment on such judgment or claim, unless such creditor shall make allegation and satisfy the court rendering such judgment, of the ability of the debtor in manner and form as is in the second section of this act provided.

SECT. 7. *Be it further enacted*, That the provisions of the first section of the Act entitled "an Act abolishing imprisonment for debt, and to repeal the act therein mentioned," shall extend to all persons who may be arrested in any action founded on contract, whether such person shall have been a resident of this State or not, for any time prior to such arrest.

SECT. 8. *Be it further enacted*, That in all cases in which a defendant in any such action shall apply for the administration of the poor debtor's oath as provided in this act, or in the several acts herein before mentioned, the plaintiff in such action shall have a right by himself, or his agent or attorney, to examine such defendant on oath, touching his property or the disposal thereof; and if any such debtor shall be guilty of false swearing, he

When a creditor may examine poor debtor on oath touching his property &c. penalty of false swearing of the debtor.

shall be deemed guilty of perjury, and shall, on conviction, suffer the pains and penalties thereof.

Approved June 8th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXX.

An Act in addition to an Act entitled "an Act prescribing the number of Jurymen for each town in this State."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Westbrook, in the county of Middlesex, shall be, and is hereby entitled to select five Jurymen, and no more, in the manner and for the purposes prescribed in the act regulating civil actions; and the town of Saybrook shall hereafter be entitled to select fourteen Jurymen and no more.

Westbrook entitled to five jurymen.

Approved June 4th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXXI.

An Act in addition to "an Act for forming and conducting the Military Force."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That a court martial for the trial of field officers of the Horse Artillery and Light Artillery, shall be appointed by the Major General of the Division to which they are attached.

Who may appoint court martials of Horse and Light Artillery.

Approved June 5th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXXII.

An Act in addition to an Act entitled "an Act concerning Promissory Notes and Bills of Exchange."

Negotiable notes and bills of exchange, payable on third day of grace—when to be paid if said pay day falls on thanksgiving or fast day.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That whenever any negotiable promissory note or bill of exchange shall be payable in this State, and the third day of grace on such note or bill shall fall upon a day appointed by the Governor of this State as a day of public fasting or thanksgiving, then, and in such case, said promissory note or bill of exchange, shall be held to be due and payable on the day next preceding such day of fasting or thanksgiving.

Approved June 6th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXXIII.

An Act in addition to an Act entitled "an Act to incorporate the Norwich Savings Society."

Directors of said society may loan to banks, &c. not exceeding at any one time \$10,000.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the Directors of said society may, at their discretion, loan any of the moneys of said society, to either of the incorporated banks in this State, notwithstanding the members of said Savings Society may be stockholders in such bank; and no director of said society, so being a stockholder as aforesaid, shall by reason of any such loan, be disqualified from acting as a director in said Savings Society, any thing in said act to which this is an addition, to the contrary notwithstanding. *Provided*, that the amount so loaned to all, or either of said banks, shall not exceed at any one time, ten thousand dollars.

Approved June 4th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXXIV.

An Act in addition to an Act entitled "an Act to regulate the election of Senators, and to divide this State into Districts for that purpose."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Westbrook, in the county of Middlesex, shall be and remain a part of the nineteenth Senatorial District.

Westbrook a part of the 19th Senatorial District.

Approved June 4th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXXV.

An Act in addition to an Act entitled "an Act relating to Oaths."

SECT. 1. BE it enacted by the Senate and House of Representatives in General Assembly convened, That the moderators of school society meetings, in such meetings, and the clerks of the several school societies in this State, shall be empowered to administer all the oaths required by law to be administered to school society and school district officers and to school teachers.

SECT. 2. There shall be administered to each school society clerk an oath, in the form following to wit:— You, A. B., being chosen clerk of the school society in the town of do swear, (or affirm, as the case may be,) that you will faithfully execute the duties of such clerk, according to your best skill and according to law. So help you God. And the like oath, *mutatis mutandis*, shall be administered to each school district clerk.

Who may administer oaths to school society and school district officers
—Form of oath.

SECT. 3. Be it further enacted, That the moderator of each school district meeting be, and he hereby is em-

powered, in such meetings, to administer to the clerk of such district, the oath by law in such case provided.

Approved June 8th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXXVI.

An Act in addition to an Act entitled " an Act for the regulation of School Societies, and for the support of Schools."

Lines and bounds of school districts by whom defined and settled.

SECT. 1. BE *it enacted by the Senate and House of Representatives in General Assembly convened*, That whenever the boundary lines of any school district, which shall be within the limits of two or more school societies, shall not have been fully defined and settled, it shall be the duty of the several committees of such school societies, to designate and define such boundary line so far as the same may be within the limits of such societies respectively.

How boundary lines of school districts may be altered and by whom.

SECT. 2. Whenever any such school district shall, at a school district meeting, duly warned and held, request any alteration to be made in the boundary line of such district, the same may be made by the school society within the limits of which such proposed alterations are included.

Approved June 8th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXXVII.

An Act in addition to an Act respecting the Sales of Personal Property Attached.

BE it enacted by the Senate and House of Representatives in General Assembly convened, That in all cases where the plaintiff or defendant may apply to a judge of the Superior or County Court, for an order to sell personal property taken by attachment, according to the provisions of the act to which this is in addition, and it shall appear to such judge, that the officer by whom said property was attached, has deceased, or has been in any other way removed from office, such judge may designate and appoint the Sheriff of the county where such property was so attached, or either of his Deputies, to make sale of said property in the manner prescribed by said act.

How to proceed in sale of personal property attached in case of the decease of attaching officer.

Approved June 4th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXXVIII.

An Act in addition to the Act entitled "an Act for regulating Salaries and Fees."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That each talesman, while necessarily attending the County or Superior Court, having been duly returned and empannelled in the jury, shall receive for each day's attendance at

Talesman for serving on the Jury to receive 75 cents per day.

either of said Courts the sum of seventy-five cents, which shall be paid by the State.

Approved June 8th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XXXIX.

An Act in addition to "an Act for regulating Salaries and Fees."

BE it enacted by the Senate and House of Representatives in General Assembly convened, That whenever a sheriff or other officer shall have necessarily employed an assistant or assistants in the arrest of any person duly charged with the commission of any crime, and the necessity of such employment shall be fully proved by the oath of such sheriff or other officer before the court in which the question may arise, such court may at its discretion, allow in the bill of cost, a reasonable sum as a compensation to such assistant or assistants.

In what case
sheriffs and other
officers may re-
ceive compensa-
tion for assist-
ants.

Approved June 6th, 1840.

WILLIAM W. ELLSWORTH.

CHAPTER XL.

An Act declaring valid the doings of a Town Meeting therein named.

Whereas the town of Goshen, hath heretofore designated and determined other places than the sign post in said town, at which notification of town meetings in said town should be set up; and whereas there was an omission to set up a notification for the annual town meeting in October, 1839, at all the places so designated

and determined, but notification of said meeting was in all other respects according to law ; therefore,

BE *it enacted by the Senate and House of Representatives in General Assembly convened*, That none of the doings of said town meeting, in October, 1839, either in the appointment of town officers, the granting of taxes or the transaction of other business, shall be deemed void by reason of said omission ; but the doings of said meeting, if in other respects conformable to law, are hereby declared valid.

Confirming doings of town meeting in Goshen.

Approved June 4th, 1840.

WILLIAM W. ELLSWORTH.

STATE OF CONNECTICUT, ss. }
SECRETARY'S OFFICE, viz ; June 25th, 1840. }

I HEREBY CERTIFY, That I have compared the printed copy of the acts contained in this pamphlet, with the original acts, as engrossed and passed by the Legislature, and find the same to be correct.

ROYAL R. HINMAN,
Secretary of State.

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PUBLIC ACTS
OF THE
STATE OF CONNECTICUT,
PASSED MAY SESSION, 1841.

PUBLISHED AGREEABLY TO A RESOLVE OF THE GENERAL ASSEMBLY,
UNDER THE SUPERINTENDENCE OF THE
SECRETARY OF STATE.



State of Connecticut, ss :
OFFICE OF THE SECRETARY OF STATE, JUNE, 1841.

HARTFORD :
PRINTED BY J. HOLBROOK, STATE STREET.
1841.



PUBLIC ACTS.

CHAPTER I.

An Act confirming the doings of the Assessors and Board of Relief in certain cases.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the several provisions of the act passed in 1833, entitled "An Act confirming the doings of the Assessors and Board of Relief in certain cases" be, and the same are hereby re-enacted and extended to all cases to which the same would be applicable if said Act were now first enacted: Provided, that no claim which is the subject of any suit or action now pending, shall be in any manner affected by the provisions of this Act.

Provisions of an Act of 1833 re-enacted confirming the doings of Assessors, &c.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER II.

An Act in addition to, and in alteration of an Act entitled "an Act to incorporate the East Haddam Bank.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the annual meeting of the Stockholders of said Bank for the choice of Directors, shall be held on the Monday next preceding the last Tuesday of August, eighteen hundred and forty one, and on said day in each suc-

The Stockholders when to hold their meeting for the choice of Directors, &c.

ceeding year thereafter; and the term of office of the Directors elected at the last annual election shall expire on said day, and the Directors elected on said day shall continue in office for the period of one year, and that so much of said Act as is inconsistent with the provisions of this Act be, and the same is hereby repealed.

Approved, June 7th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER III.

An Act in alteration of an Act, entitled "an Act to incorporate the Thompson Bank."

The time of holding the annual Meeting at the Thompson Bank, &c.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That hereafter the annual meeting of the Stockholders of the Thompson Bank, be held on the second Tuesday of October in each year, instead of the first Tuesday of January, in each year, and that the terms of office of the present Directors of said Bank, and the terms of office of the President and Cashier of said Bank, now in office, expire upon the election of the new Board of Directors on the second Tuesday of October next, any thing in said Act to the contrary notwithstanding.

SECT. 2. *Be it further enacted,* That so much of said Act, entitled "an Act to incorporate the Thompson Bank," as is inconsistent with the provisions of this Act, be, and the same is hereby repealed.

Approved, June 2d, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER IV.

An Act in addition to, and in alteration of the Act, entitled "an Act to incorporate the Merchants Bank."

Whereas, it has been shown to this Assembly by the Merchants Bank at Norwich, that by reason of the payment of the bonus required to be paid by the charter of said Bank, and by losses heretofore sustained by said Bank, their capital stock does not now amount to the sum of fifty dollars on each share of said stock, as by said charter is provided.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Directors of said Bank be, and they hereby are empowered to reduce the capital stock of the same to a sum not less than one hundred and twenty thousand dollars, and the shares of said stock to a sum not less than forty dollars each.

Capital stock of
the Merchants'
Bank reduced.

Approved, June 9th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER V.

An Act in addition to the Act entitled "an Act incorporating the Borough of Killingworth."

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That Austin Olcott, Esq. of said borough of Killingworth, and in case of his absence for the space of thirty days after the passing of this Act, George Carter, Esq. be, and he is hereby authorized and empowered to call a meeting of the freemen of the said borough to be holden for the choice of officers, at

How to organize the Borough of Killingworth.

the Academy in said borough at such times in the months of May or June, A. D. 1841, as he or they may direct. A notification signed by said Olcott, or in case of his absence as aforesaid, by said Carter, specifying the object, time, and place of said meeting, and set upon the public sign post in said borough, at least five days before the day appointed for said meeting shall be sufficient notice.

The said Austin Olcott, and in his absence the said George Carter shall preside at the meeting aforesaid, until a Warden shall be chosen and sworn. The freemen of said borough when convened as aforesaid, shall have power to appoint all such officers as they are authorized by law to appoint at their annual meeting, and the officers so appointed shall continue in office until the next annual meeting of said corporation, and until others are chosen and qualified in their stead.

SECT 2. *And be it further enacted,* That the name of the said borough of Killingworth be changed to that of Clinton, and that this Act take effect from the time of its passage.

Approved, May 27th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER VI.

An Act in alteration of an Act entitled "an Act to incorporate the City of Bridgeport.

The time of enlistment of Fire Companies in Bridgeport,—when to take place.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the enlistment of such Fire Companies as are now authorized by law in said City, shall take place at such time or times as the Court of Common Council of said City, may from time to time direct, instead of the time or times now specified by said

act of incorporation or by any act in addition to or alteration of the same.

Approved, June 7th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER VII.

An Act in addition to an Act entitled "an Act incorporating the Borough of Norwalk."

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the Warden and Burgesses of said Borough shall have power to form and continue an additional Fire Company for the further protection of the property of said Borough, to enlist or appoint a sufficient number of men not exceeding twenty-five, to fill up the same, and to make all necessary by-laws for the regulation thereof.

Empowered to form an additional Fire company in the Borough of Norwalk, &c.

SECT. 2. *Be it further enacted,* That the several resolves of the General Assembly passed in the years 1809, 1828, and 1833, incorporating the Norwalk Fire Company, be, and the same are hereby repealed.

Repealing Resolves passed in 1809, 1828, and 1833, de Norwalk Fire Company.

Approved, May 27th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER VIII.

An Act in addition to an Act, passed in 1840, entitled "an Act in addition to an Act entitled 'an Act for the regulation of Civil Actions.'"

Quieting act for illegal sales of personal property by officers, previous to the first of August, 1840—which relates to the time of posting only.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That in all cases in which any personal property taken on warrant or execution prior to the first day of August, 1840, has been sold pursuant to the posting of the officer at the end of twenty days from the time of posting excluding from the time of computation, the day of such posting, as well as the day of sale, and in all cases in which, since the first day of August, 1840, any personal property so taken, has been sold pursuant to the law in force prior to that date, at the end of twenty days from the time of posting—such sales, if in all other respects legal, shall not be deemed invalid by reason of such erroneous computation and posting, but the same are hereby confirmed and declared to be valid in law: Provided, nevertheless, that nothing herein contained, shall affect any suit commenced before the present session of the General Assembly, in which the validity of any such sale may be brought in question.

Approved, May 25, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER IX.

An Act to constitute the town of Salem a Probate District.

Town of Salem constituted a Probate district.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Salem be, and the same is hereby constitu-

ted a Probate District, by the name of the District of Salem : Provided, however, that all matters and business begun or entered in the Courts of Probate for the District of Colchester and New London shall be completed therein in the same manner as though this act had not been passed.

Approved, June 9th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER X.

An Act in alteration of an Act entitled "an Act for constitution and regulating Courts, and for appointing the Times and Places of holding the same."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Canton be, and hereby is constituted a Probate District by the name of the District of Canton : Provided, that all matters and business begun or entered in the Court of Probate for the District of Simsbury, shall be completed therein, in the same manner as if this act had not been passed.

Canton Probate
District.

Approved, June 7th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XI.

An Act to constitute the town of Ridgefield a Probate District.

Ridgefield Probate District.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Ridgefield be, and the same is hereby constituted a Probate District, by the name of the District of Ridgefield: Provided, however, that all matters and business begun or entered in the Court of Probate for the District of Danbury, shall be completed therein, in the same manner as though this act had not been passed.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XII.

An Act in addition to an Act entitled "an Act for constituting and regulating Courts, and for appointing the Times and Places of holding the same."

The duty of Clerks of the Superior Court to transmit a list of cases for trial in the Court of Errors, to the Chief Judge, &c., with the names of the attorneys on record in each case,

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,—* It shall be the duty of the Clerks of the Superior Court, within one week after the termination of the winter or spring term of said Court in their respective Counties, to transmit to the Chief Judge of the Supreme Court a list of cases pending for trial in the Court of Errors next to be holden in their several Counties, with the names of the attorneys of record in each case, together with such other information as they may possess as to the number of trials expected to be had at the next term of said Court; and if upon such return the Chief Judge

shall deem it expedient, he may, at his discretion, order that the cases which do or may stand for trial in any county shall be tried in some adjoining county, to be by him designated, during the time said Court of Errors shall hold their then session in the county so designated; notice of which order shall be given by said Judge by causing a copy thereof to be deposited in some Post Office convenient to him, and directed to said Clerk to be transmitted by mail, and a like notice to be published in some public newspaper printed in the county from which said cases are to be removed, or if there be no newspaper printed in said county, then in a paper printed in some adjoining county, at least 4 weeks before the session of said Court in which said trials are to be had; and the Supreme Court of Errors may thereafter proceed to hear and render judgement, and issue execution in said cases in the county so designated, as they now may do in the county where said cases originated; and upon notice of the result from the presiding Judge, the Clerk of the county from which said cases were transmitted may enter up judgement and issue execution in said cases in the same manner as if judgement had been rendered in said county.

&c.—power of Court to try the cases in other Counties, &c.

SECT. 2. From and after the first Tuesday of August next, all writs of error brought to the Supreme Court shall be served and returned to the Clerk of said Court at least thirty days before the sitting of the Court to which the same are made returnable, and being so returned may be transmitted to an adjoining county for trial in the same manner as cases arising on motions in error, or motions for a new trial.

When Writs of Error shall be served and returned to the Clerk of said Court.

SECT. 3. And said Supreme Court of Errors may make such further rules as may be necessary to carry more fully into effect the provisions of this act.

The Court empowered to make rules to enforce the provisions of this act.

Approved, June 9th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XIII.

An Act concerning the Supreme Court of Errors.

The Supreme Court of Errors in Hartford County, when to be holden.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the next session of the Supreme Court of Errors, in the county of Hartford, be holden in said county, on the first Tuesday of July, A. D. 1841, instead of the time now by law prescribed for that purpose.

SECT. 2. All process made or to be made returnable to the session of said court as heretofore by law to be holden on the second Tuesday of June, A. D. 1841, and all business or matters pending before said court, shall be proceeded with, heard and determined at said session, to be holden on said first Tuesday of July, A. D. 1841.

SECT. 3. This Act shall be in force from the passage thereof.

Approved, June 9th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XIV.

An Act in addition to an Act, entitled "an Act for constituting and regulating Courts," and for appointing the times and places of holding the same.

Three Judges of County Court to be elected annually.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* There shall be three Judges of the County Courts in this State, who shall be appointed annually by the General Assembly.

SECT. 2. The County Courts in each county

shall hereafter be held by one of the Judges of said court, assigned for that purpose, as is hereinafter provided.

SECT. 3. The Judges of said court, or a majority of them, shall meet annually at such time and place as the senior judge may appoint, and when so met, shall assign the counties in which they shall respectively hold said courts for the year then ensuing; and whenever the judge assigned to hold any term of the county court, shall by reason of sickness or other cause, be prevented from attending at the time and place appointed therefor, he may by an order in writing under his hand, direct the adjournment of such term of said court to some future time, to be by him appointed; and in case the judge so assigned shall be prevented from attending as aforesaid, and shall fail to make such order for the adjournment of said term of said court, then and in that case, the senior judge of said court not so assigned, may direct in like manner, to what time said court shall be adjourned, and the same shall be adjourned accordingly.

SECT. 4. And if any judge assigned as aforesaid, to hold a court in any county, shall die, or be unable from sickness or any other cause, to hold said court, or to hold the same without great inconvenience, the senior judge may vary said assignment, and designate another judge to hold said court in lieu of the one so assigned.

SECT. 5. The judges of said court when so convened as aforesaid, may appoint attorneys for the State, clerks and assistant clerks of said court for the respective counties; and in case a vacancy shall occur in either of said offices when said judges shall not be so convened, the senior judge of said court may appoint such attorney, clerk, or assistant clerk, who on giving bond as by law required, shall hold said office until the same shall be filled by said judges; and if at any time during the sitting of any county court, the judge holding said court shall consider it necessary, he may appoint an attorney or assistant clerk to execute the duties of such office, at such term of said court, and for a period not exceeding thirty days thereafter, as such judge may order and direct.

The County Courts in each County to be held by one Judge.

Judges to meet annually, &c., to assign the Counties for each Judge to hold Courts for the year, &c. in case of sickness, &c., how to adjourn, &c.—when the senior Judge may adjourn Courts assigned for other Judges of said Court.

If a Judge should die or be unable to hold a court, &c. the senior to vary the assignment of said Courts, &c.

Judges when convened, to appoint attorneys, clerks, &c., to fill vacancies in said offices, &c.

The Judges when convened to make and alter rules of practice, in said Courts, &c.—To regulate the admission of attornies, &c.

SECT. 6. And the judges of said court when so convened as aforesaid, shall have power to establish, modify, or alter rules of practice in their respective courts, and to make such regulations as they may deem expedient, relative to the admission of attornies by the county courts for the several counties in this State.

A writ of injunction granted out of term, &c. how dissolved—power of Judge, &c.

SECT. 7. When any writ of injunction shall be granted by any judge of said county court, when the same shall not be in session at the time of granting said writ in the county where the same is made returnable, the judge of said court so granting said writ, may, if he see cause therefor, designate either of the judges of said court to whom application may be made to dissolve said injunction: and the judge so designated shall have the same power in the premises as the judge by whom said writ may have been granted.

Powers of said Court, &c.

SECT. 8. *Be it further enacted*, That the County Courts as constituted by this act, shall and may, except as hereinafter provided, exercise all the powers, and shall be subject to all the duties exercised by and imposed upon the said courts as now constituted.

Conservators of lunatics, idiots, &c., to be appointed by Judges of Probate, &c., and the bond taken to the judge of probate, &c., may order the sale of lunatics estate, &c., right of appeal, &c.

SECT. 9. All applications that shall be made after the twentieth day of June, A. D. 1841, for the appointment of a conservator of any lunatic, idiot, or distracted person, either by the relations of such idiot, lunatic, or distracted person, or by the selectmen of any town, shall after the notice now provided by law in such case, be made to the court of probate in the district to which such person shall belong, and the conservator appointed by such court of probate shall give bond with surety, payable to the judge of such court and his successor in said office for the faithful discharge of his trust, and such court of probate may upon the application of such conservator, order the sale of the estate of such idiot, lunatic, or distracted person, and all the powers now vested in the county court in relation to the persons or estate of such idiot, lunatic, or distracted person, shall hereafter be vested in such court of probate, provided that such notice be given as is by law required on the settlement of intestate estates, *and provided always*, that any person who shall be aggrieved by any order of the court of probate in

the matters aforesaid, may within thirty days after the making of such order, appeal therefrom to the county court next to be holden within and for the county in which the court of probate making such order shall have been held, upon giving bond to the judge of such court of probate to prosecute his appeal to effect and to make good all damages in case he shall fail so to do.

SECT. 10. There shall be appointed annually by the General Assembly three county commissioners in each county, who shall have all the powers, and perform all the duties, now belonging to the county court, by the 23d section of the act to which this is an addition; by the 11th section of the act relating to sheriffs, and by the act entitled an act concerning goals and goalers and the several acts in addition thereto.

Three County Commissioners to be appointed annually—their powers.

SECT. 11. Each of said county commissioners within the county for which he shall be appointed shall and may exercise the same power and authority which are now by law granted to a judge of the county court in relation to the administering of the oath by law provided for poor imprisoned debtors, also such power as is granted by the act entitled an act in addition to an act entitled an act relating to turnpike roads, by the act directing proceedings in forcible entry and detainer, by the act respecting the sale of personal property attached, and by the act authorizing judges of the county courts to make orders of notice in certain cases.

Commissioners to administer oaths to poor imprisoned debtors, &c., when; turnpike roads, forcible entries, detainer, &c.

SECT. 12. When any petition shall be preferred to any county court for the laying out, alteration, or discontinuance of any highway, unless the parties shall agree as to the judgment that shall be rendered in such case, said petition shall be heard and decided by the county commissioners at such time and place, and with such notice to those interested therein as said county court shall order and direct, and said commissioners shall and may exercise all the powers now by law exercised by committees for laying out highways, and no trial as to the necessity and expediency of laying out such highways, shall be had before said county court, but said court may set aside the doings of such commissioners for any irregular or improper conduct in the performance of the du-

Petition for laying out, alteration or discontinuance of any highway; by whom to be tried County Courts may set aside the doings of Commissioners, when.

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ties to them belonging. *Provided*, that in all applications for laying out highways now pending, in which a committee or committees for laying out said highways shall have been appointed, such committee or committees shall proceed to lay out the same in the same manner as if this act had not been passed.

If a commissioner is interested in the event of a suit, how to proceed.

SECT. 13. No commissioner shall be disqualified from performing his duty as such in any case under the preceding section by reason of his being related to either of the petitioners therein; but if either of said commissioners shall be directly interested in the event of said case, such county court may and shall appoint another person or persons in the place of said commissioner or commissioners so disqualified.

Vide Statutes of 1843 page 21

If a judge of the county court is disqualified to act in a case in said court, how to proceed.

SECT. 14. Whenever the judge assigned to hold any term of the county court shall be disqualified to act in the trial of any case pending in said court, the parties in said case by themselves or their attorneys by a written agreement filed in such case, may consent that such judge shall act and judge therein and thereupon; he shall be fully authorized to act and judge in the same.

When the commissioners shall try cases by the disqualification of a judge of the county court, &c.

SECT. 15. When the judge so assigned shall be so disqualified, and the parties shall not consent that he shall act and judge therein as aforesaid, said case if not appealable shall be heard and decided by the county commissioners, or a majority of them, not disqualified to act in such case, but if one only of said commissioners shall be so qualified, said case shall be continued to the next term of said court.

Salaries of judges of co. court, when payable, \$3 per diem to commissioners for their services, fees to judge and clerk of probate.

SECT. 16. The salaries of said judges shall be eight hundred dollars a year, payable at the times and in the manner provided by law for the payment of the salaries of the judges of the superior court and supreme court of errors. The county commissioners shall be allowed for their services as such three dollars per day, and the same fees shall be allowed to the judge and clerk of the court of probate on the appointment of a conservator and taking bonds, as are now allowed on the appointment of an administrator and taking bonds; and on the granting of an order of sale and the allowance of a conservator's account, the same fees as are now allowed for the like services in relation to an administrators ac-

count and granting an order for the sale of the estate of a deceased person.

SECT. 17. This act shall be in force from and after the 20th day of June, A. D. 1841, and thereupon all acts and parts of acts inconsistent herewith shall be repealed. *Provided, however,* that the judges who may be appointed under this act may meet and make the assignment of counties to the judges of said court as provided by the second section of this act.

Act when in force, repeal of other acts.

Approved, June 9th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XV.

An Act in alteration of an act entitled "an Act for constituting and regulating Courts, and for appointing the times and places for holding the same.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That no commissioner appointed by any court of probate to receive and decide upon claims against any estate represented to be insolvent, or against the estate of any insolvent debtor assigned for the benefit of his creditors, shall be disqualified to discharge any duty as such commissioner, by reason of any relation by blood or marriage, or of landlord or tenant to any person having a claim upon, or interest in such estate, if no objection be made on that account by any person claiming an interest in such estate as creditor, or otherwise, at the time of such appointment; provided nevertheless, it shall be the duty of the court of probate on the application of any creditor or other person claiming an interest as aforesaid, at any time before the time limited by such court for the exhibition of claims to remove any commissioner or commissioners so appointed who may be found to be within the degrees of rela-

Relation by blood or marriage not to disqualify any commissioner, on an insolvent estate, or estate assigned to creditors, to act, &c. if not objected to as such, by a person in interest. In what case such commissioners shall be removed.

tionship by blood or marriage, to any creditor or person interested as aforesaid, which by the act to which this is an addition, constitute a legal disqualification of a judge.

In case such relationship should not be known by such creditor — when objection may be made. If a commissioner is removed to fill the vacancy.

SECT. 2. If such relationship shall not be discovered by such creditor or claimant until after the expiration of the time limited for the exhibition of claims against the estate, application for such removal of such commissioner or commissioners, may be made to said court of probate at any time before the acceptance by said court of said commissioners report. And in case any commissioner shall be so removed it shall be the duty of the court of probate to appoint other commissioner or commissioners, in the place of the person or persons so removed. And such commissioner or commissioners so appointed, being duly sworn, shall with the remaining commissioner or commissioners on said estate, if any there be, give due notice of the times and places of their meetings as the court of probate shall prescribe, and shall proceed to examine and allow such claims only as shall have been exhibited to the commissioners on said estate, within the period limited and allowed by said court of probate for the exhibition of claims against the same.

The acts of, disqualified, when valid.

SECT. 3. *Be it further enacted*, That in all cases in which the commissioners or either of them appointed by any court of probate to receive, and decide upon claims against any such estate, shall for any reason be legally disqualified to act therein, the appointment and proceedings of such commissioner or commissioners, shall not by reason of such disqualifications be holden to be void, but such appointment and proceedings before the acceptance of the report of such commissioner or commissioners, by the court of probate, may be set aside by such court, and shall be subject to appeal, by any person aggrieved, as in other cases.

No objection having been made, and the time of appeal expired, such commissioners doings to be valid.

SECT. 4. *Be it further enacted*, That in all cases in which any commissioner or commissioners legally disqualified as aforesaid, shall have been appointed by any court of probate, and their doings returned to, and accepted by such court, without objection, and no proceedings shall have been had for setting aside the same and the time limited by law

for appealing therefrom shall have elapsed, without such appeal, the doings of such commissioner or commissioners shall not by reason of any such disqualification, be holden to be void, but the same are hereby confirmed and declared valid to the same extent as they would be if such disability had not existed. But nothing herein contained shall be construed to effect any suit now pending, in which the validity of the proceedings of such commissioner or commissioners may be brought in question.

Approved, May 27th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XVI.

An Act in Addition to an Act for constituting and regulating Courts, and for appointing the times and places of holding the same.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whenever in any county where more than one term is by law designated for holding the Superior and County Courts therein, the state of the business pending in such courts shall require an adjournment of the same pursuant to the 15th and 18th sections of the act to which this is an addition, the Judge holding such court, may adjourn the same to be held at such of said terms as he shall consider will most promote the public convenience.

A judge of the Superior Court or Co. Court may adjourn to such term as public convenience may require.

Approved, June 9th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XVII.

An Act in addition to an Act entitled, "An Act for constituting and regulating Courts and for appointing the times and places of holding the same."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Portland shall be, and constitute a part of the Probate district of Chatham.

Portland a part of the Probate District of Chatham.

Approved, June 9th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XVIII.

An Act in addition to an Act concerning Crimes and punishments.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the Supreme Court of Errors shall be, and they hereby are authorized to make and establish rules by which the expenses necessarily incurred in prosecutions for criminal offences before the Superior Court and not particularly provided for by statute, shall be taxed and allowed in the bills of cost in such cases, regard being had so far as may be in such taxation to the sums by law taxed and allowed for other costs in criminal prosecutions.

The Court of Errors authorized to make rules for expenses in criminal cases, before the Supreme court, and how taxed, &c.

SECT. 2. Whenever any expenses shall be necessarily incurred in such prosecution for which no particular provision shall have been made by such rules nor by statute, such sums shall be taxed and allowed for such expenses as the Superior Court before which such prosecution shall be had shall consider to be just and reasonable, to be paid out of the public treasury, from which the cost in such case

Expenses not provided for by law or said rules—to be taxed if just and reasonable.

shall be payable, but the same shall not be taxed, against the defendant in such case.

SECT. 3. Whenever in any prosecution for a criminal offence before any County Court, expenses shall be necessarily incurred, not particularly provided for by statute, but for which, when incurred in prosecutions before the Superior Court, the Supreme Court of Errors shall have provided by rules as aforesaid, the same may be taxed and allowed by such County Court in conformity to such rules so established as aforesaid.

The rules of the Superior Court in taxing such costs not provided for by statute in criminal cases, to be the rule of taxing in the Co. Courts.

SECT. 4. In all cases when a requisition has been or shall be made by the Governor of this State upon the Executive authority of any other State for the delivery of any fugitive from justice, the necessary expenses of such requisition and the removal of such fugitive shall be ascertained and allowed by the Superior Court for the county within which the crime charged against such fugitive shall be alledged to have been committed, and shall be paid from the treasury of the State. *Provided, however,* that no such expenses shall be taxed and allowed, unless the application to said Superior Court for such allowance shall be within one year after such expenses shall have been incurred.

When a requisition shall be made by the Governor of this State on the Executive of another State for an offender, the expenses to be paid by the State and allowed by the Superior Court in the county where said offence was committed.

Approved, May 28th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XIX.

An Act in addition to an Act entitled an Act concerning Crimes and Punishments.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That if any person or persons shall have or keep in his or her or their custody or possession, or in any house or building, or its dependencies, or in any place in his, her or their occupation, any Nine-Pin Alley,

Nine-Pin alleys prohibited, whether more or less pins are used, on penalty of a fine not exceeding \$50.

so called, or place for playing Bowles, skittles, or Nine-Pins, whether more or less than nine-pins are used in such play. Every such person so offending shall be punished by fine not exceeding fifty dollars nor less than seven dollars.

The selectmen of a town empowered to authorize the keeping such alleys for health and recreation.

SECT. 2. The selectmen or a major part of the selectmen of any town may, by an instrument in writing under their hands authorize such an alley to be kept at any place, when satisfied the same will be used solely for the purposes of health and recreation, in which case said penalty shall not be incurred, and it shall be their duty to revoke said authority, whenever such alley shall be used contrary to the intention of this act.

One half of such penalty—how disposed of—

SECT. 3. One half of the penalty recovered and actually received from any person for violation of this act, shall be paid over, under the order of the court having cognizance of the offence to the person who shall complain, and furnish evidence to any informing officer of such violations.

When to take effect.

SECT. 4. This Act shall take effect from and after the first day of July, 1841.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XX.

An Act in addition to the Act entitled an Act concerning Crimes and Punishments.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That if any person or persons shall willfully and designedly with intent to cheat and defraud another, utter or pass as money any false token made and executed after the general similitude of bills or checks of banking companies or corporations, intended as money, and purporting to have been issued by, or drawn upon a banking company or corporation which has

no existence, or if existing has never authorized such drafts or checks thereon, or been furnished with funds for the payment thereof, and shall by means of such false token knowingly and fraudulently obtain from any other person any money, goods, merchandise or other property, or any release or discharge of any debt or obligation, or the giving up of any promisory note or other evidence of debt, or any valuable thing whatever, the person or persons so offending, being duly convicted thereof shall be punished in the manner provided in the 114th section of the act to which this is an addition, or shall suffer imprisonment in the Connecticut State Prison, for a term not less than one year nor more than three years at the discretion of the court having cognizance of the offence.

The altering or passing as money any false token in similitude of bills or checks of banking companies, &c.—how furnished.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXI.

An Act for the establishment and government of County Work Houses, or Houses of Correction.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever any gaol in this State, shall have been fitted and provided with suitable and adequate accommodations appurtenants thereto, to be used as a county work house or house of correction, the judge of the county court and the county commissioners for the county in which such gaol shall be situated shall certify the same under their hands, or the hands of a majority of them, and shall cause such certificate to be recorded in the records of such county ; and after such certificates shall have been so made and recorded, it shall and may be lawful, to commit to such gaol all persons by law subject to imprisonment in such county work house or house of

When gaols be used as county work houses, &c.

correction, pursuant to the several provisions hereinafter contained.

The duty of
county clerks.

SECT. 2. Whenever any such certificate shall have been so made and recorded, it shall be the duty of the clerk of such county court, to cause the same to be published in the several newspapers printed in said county; or if there shall be no newspaper printed in said county, then the same shall be published in such newspaper or newspapers printed in any adjoining county or counties, as said judge and county commissioners, or a majority of them shall order and direct.

Who to estab-
lish rules to reg-
ulate such work
houses.

SECT. 3. The judges of the county court and the county commissioners in their respective counties, may from time to time, make and establish rules for the regulation and government of such work house or houses of correction, and shall prescribe and direct as to the labor to be performed by the persons committed to the same, and the discipline to be enforced therein.

Who to keep
said work hou-
ses—who to ap-
point an assist-
ant master or
keeper and di-
rect as to duties,
&c., to give
bonds, &c. sub-
ject to removals,
&c.

SECT. 4. The deputy gaoler approved as is provided by the act in addition to and alteration of an act entitled an act, concerning goals and goalers, passed May session, A. D. 1837, shall be the master or keeper of such work house or house of correction; and said judge and county commissioners may, if they shall see cause therefor, appoint an assistant master or keeper of such work house or house of correction; and may prescribe and direct as to the duties to be performed by them respectively; and said master or keeper, and said assistant master or keeper, when required by said judge and county commissioners, shall respectively give bonds with surety to the treasurer of the county, for the faithful execution of the duties of his office, and shall be subject to be removed therefrom by said judge and county commissioners, when they shall consider and adjudge that there is sufficient cause for such removal.

Who to appoint
inspectors of
said houses—
their powers,
&c., term of
said office.

SECT. 5. Whenever a country workhouse or house of correction, shall have been provided as aforesaid in any county, the judge of the county court and the commissioners for such county, shall appoint three inspectors of such work house or house of correction, whose powers and duties in re-

lation thereto, shall be the same as are in and by said act, in the preceeding section mentioned, in case of the inspectors of common gaols; and such inspectors shall hold said office, until others shall be appointed in their stead.

SECT. 6. An account of the receipts and expenditures of such county work house or house of correction, shall be carefully kept, and shall be adjusted and settled by said inspectors as often as once in each year, and a copy of said accounts, so adjusted, shall be lodged with the county treasurer; and said inspectors may direct as to the manner in which said accounts may be kept by said master or keeper of said work house or house of correction.

Am'ts of expenditures and receipts to be kept —by whom re-adjusted once in a year, &c.

SECT. 7. Said inspectors of such work house or house of correction, shall cause an account to be kept as accurately as may be, of the avails of the labor of each person committed to the same, except convicts for crime, who may be sent to the county work house, as provided in the 10th section of this act, and shall apply such avails, first, to pay the board and support of such person so confined; and the balance thereof to pay the costs of trial and commitment and the fine, if any there be, imposed upon said delinquent; and if any balance shall be still remaining, said inspectors shall apply the same at their discretion, for the support of the family of such delinquent, or otherwise for his benefit.

Am'ts of each persons labor to be kept, avails how applied, &c

SECT. 8. All persons liable by law to be committed to any town work house or house of correction, under and pursuant to the act authorizing towns to erect work houses or houses of correction, who shall have been duly convicted under said act, before any justice of the peace having jurisdiction thereof, upon the complaint of a grand juror of said town, may at the discretion of such justice, be sentenced to be committed to the town work house or house of correction, if any there be in such town, or to the county work house or house of correction, there to be kept at labor for a time not exceeding sixty days, and until the costs of prosecution and commitment shall be satisfied; and any person who shall be a second time convicted, and sentenced to such confinement, may be confined for a time not exceeding one hundred and twenty days, and until

Who may be committed to the town work house or county work house—time of commitment, &c., right of appeal, when.

such costs of prosecution and commitment shall be paid and satisfied. *Provided, however,* that any person who shall be convicted as is in this section provided, may appeal from the judgment of said justice of the peace to the county court next to be held within and for the county in which such justice court shall have been held on giving bond with sufficient surety to prosecute such appeal to effect, and that the person so convicted shall be of good behavior, and shall keep the peace.

SECT. 9. Whenever the inspector of such county work house or house of correction, shall be of opinion that any person who may have been committed to the same, under the preceding section of this act, has so conducted himself whilst so confined, that he should be no longer imprisoned, or when the health of such person so committed shall be such as to require that he should be discharged before the expiration of said time of imprisonment, said inspectors shall be, and they hereby are authorized and empowered to discharge such person from imprisonment, upon his paying and satisfying what may remain due and unsatisfied, of the costs of prosecution and commitment, including his support whilst so confined; or in case said inspectors shall be of opinion that any person so committed is unable to pay and satisfy or give security for such costs said inspectors may cause the note of said person to be taken for such costs, payable to the treasurer of the town for which such commitment shall have been made; and discharge him from imprisonment; and such town shall be held liable to pay and satisfy to the treasurer of the county, any balance that may remain due and unsatisfied, for the support of such person while so confined as aforesaid, and upon payment thereof shall be entitled to receive such note as aforesaid.

When inspectors may discharge prisoners, &c., and upon what terms.

For crimes committed after the passage of this act, how punished.

SECT. 10. Whenever any person shall be convicted of any crime committed after the passage of this act, and now punishable by imprisonment in any common gaol, such person, at the discretion of the justice of the peace, or other court before which such conviction shall be had, may be punished by imprisonment in such common gaol, or in the county work house or house of correction as such

justice of the peace or other court shall in such case consider expedient. And upon any conviction for a crime hereafter committed, not punishable by imprisonment, if the person so convicted shall fail to pay any fine which may be lawfully imposed, or to pay the costs of prosecution, he shall be committed to such county work house or house of correction, until such fine and costs shall be paid or satisfied, or until he shall be discharged from such imprisonment in due course of law.

SECT. 11. Whenever any person so confined shall be holden only for the payment of fine and costs, and shall have no means to pay or satisfy the same, the inspectors of such county work house or house of correction, at their discretion, may take the note of such person for such fine and costs, payable to the treasury by law liable for the payment of such cost, and he shall thereupon be discharged from such imprisonment.

When the inspectors may take the note of an offender, &c.

Approved June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXII.

An Act to confirm Deeds and other Conveyances of Real Estate, and for other purpose.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That all deeds and other conveyances of real estate, and instruments which purport to have been intended as bonds with condition under seal, which have been executed without seal, shall be valid as though the same had been sealed: Provided that this act shall not affect any suit now pending.

Confirmation of bonds and deeds without seals, &c.

Approved, June 9th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXIII.

An Act in further addition to, and alteration of an Act, entitled “an Act to Regulate the Election of Senators, and to divide this State into Senatorial Districts for that purpose.”

Be it enacted by the Senate and House of Representatives in General Assembly convened, That hereafter District number four shall consist of the towns of New Haven, Hamden and Woodbridge.

The Towns forming Districts No. 4, No. 5 and 6.

District number five shall consist of the towns of Milford, Orange, Derby, Oxford, Middlebury, Waterbury, Bethany, Wolcott and Southbury.

District number six shall consist of the towns of Guilford, Branford, North Branford, East Haven, North Haven, Madison, Wallingford, Meriden, Cheshire and Prospect.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXIV.

An Act in addition to, and in alteration of an Act, entitled “an Act to Regulate the Election of Senators, and to divide this State into Districts for that purpose.”

Be it enacted by the Senate and House of Representatives in General Assembly convened, That hereafter District number nine shall consist of the towns of Lyme, Colchester, Lebanon, Montville, Salem, Bozrah and East Lyme.

District No. 9, of what towns composed.

District No. 10, of what towns to consist.

District number ten shall consist of the towns of Fairfield, Bridgeport, Stratford, Huntington, Weston, Trumbull, Monroe and Westport.

District No. 18, of what towns formed.

District number eighteen shall consist of the towns of Middletown, Durham, Chatham and Portland.

District number nineteen shall consist of the towns of Haddam, Chester, Clinton, East Haddam, Killingworth, Saybrook and Westbrook.

District No. 19,
of what towns
composed.

Be it further enacted, That the acts in relation to the election of Senators in Westport and in East Lyme respectively, entitled an Act in addition and alteration of an Act, entitled "an Act to regulate the election of Senators, and divide the State into Senatorial Districts for that purpose, enacted 1835," and an Act entitled an Act in addition to, and alteration of an Act, entitled "an Act to regulate the election of Senators, and to divide the State into Senatorial Districts for that purpose, enacted 1839," be, and the same are hereby repealed.

Repealing
clause.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXV.

An Act in addition to an Act, entitled "an Act for the Settlement of Estates, Testate, Intestate, and Insolvent."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whenever it shall appear to the Court of Probate in which the estate of any deceased person shall be in a course of settlement, that such estate consists wholly of personal property, and that after setting out to the widow of said deceased, if any there be, such necessary household furniture and other goods, by law exempt from execution, and such allowance for the support of the widow and family of said deceased, as said Court of Probate shall consider proper, the residue of said estate will not be more than sufficient to pay and satisfy the debts and taxes against said deceased, due this State, the funeral charges and the expenses of the last sickness of said deceased, with the charges of settling said estate,

Sale of personal
property of a de-
ceased person,
for the benefit
of particular
persons.

said Court of Probate may order notice given to all persons interested in such estate, to appear before said Court to be heard in the premises, and if no sufficient cause be shown to the contrary, said Court shall ascertain the amount of such debts, charges and expenses, and after making such allowance for the support of said widow and family, as said Court shall deem proper, and setting out to her necessary household furniture and other goods, exempt from execution, shall order the sale of so much of said estate as will pay such debts, charges, and expenses as aforesaid; and if upon due return of sales of such estate it shall be found that the whole of the same will be required for the purposes aforesaid, the settlement of said estate may be completed and closed without the appointment of commissioners to liquidate the claims against said estate. Provided however, that nothing herein contained shall deprive any creditor of said estate of the right of appeal from such orders or decrees of said Court of Probate.

Approved, June 2d, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXVI.

An Act in addition to an Act, entitled "an Act for the Settlement of Estates, Testate, Intestate, and Insolvent."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whenever the executor of any last will and testament, or the administrator of the estate of any deceased person has died or resigned, or been removed from said office of executor or administrator, or shall hereafter die, resign, or be removed from such office before the settlement of the estate of such deceased person shall have been fully completed, the Court of Probate to which the settlement of such estate may

If an Executor or Administrator die or resign before the settlement of an estate is closed, the duty of the Judge of Probate in such case.

appertain, may appoint an administrator in the place of such administrator, or an administrator with the will annexed, in the place of such executor, who shall have died, resigned, or been removed from office as aforesaid, notwithstanding the time by law limited for the granting of administration upon such estate shall have expired before such appointment.

Approved, May 25th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXVII.

An Act in addition to an Act, entitled "an Act for the Settlement of Estates, Testate, Intestate, and Insolvent."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the bond required to be given by any person appealing from the order, sentence, denial, decree or judgment of a Court of Probate, or from the report of the commissioners in allowing or rejecting a claim or demand upon an insolvent estate, shall be made payable to the Judge of Probate and his successor in office.

To whom bond shall be made payable, on an appeal from an order, sentence, &c. of a Court of Probate, &c.

Approved, May 31st, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXVIII.

An Act in addition to an Act, entitled "an Act in addition to an Act against Fraudulent Conveyances."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whenever any person shall be aggrieved by the doings of commissioners, in allowing or rejecting any claim or demand upon any estate assigned for the benefit of creditors, pursuant to the Act in addition to an Act, entitled "an Act against fraudulent conveyances," and the matter in demand shall exceed the sum of seventy dollars, such person so aggrieved, may within fifteen days after the report of the commissioners shall have been returned to the Court of Probate, appeal to the next Superior Court of the County within which the debtor who shall have so assigned his estate, had his place of residence at the time of such assignment. Provided, however, that sufficient bond with surety shall be given by the party so appealing, payable to the Judge of Probate, or his successor in office, to prosecute the appeal to effect, and answer all damages in case he shall not make his plea good, and the trial in said Superior Court of any issue in fact formed by the pleading of the parties, shall at the request of either party be by the Jury.

A person aggrieved by doings of Commissioners on estate assigned for creditors, on a demand over \$70, may appeal to Superior Court, &c.

Approved, May 28th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXIX.

An Act to provide for the Organization of the General Assembly.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That it shall be the duty of the presiding officer in the meeting of electors in the respective towns in this State for the choice of Representatives to the General Assembly, to make return to the Secretary of State of the name or names of the person or persons who may be chosen by entering the same on the certificate of votes for Senators now by law required to be made and transmitted to the said Secretary.

Duty of presiding officers at Elections to return to the Secretary of State the names of Representatives chosen, and in what manner.

SECT. 2. Whenever the Representative or Representatives of any town shall be chosen at an adjourned Elector's Meeting, it shall be the duty of the presiding officer, within two days thereafter, to cause a certificate of the election of the person or persons so chosen to be deposited in the Post Office in such town, or, if there be none, in the Post Office of an adjoining town, directed to the Secretary of State.

If chosen at an adjourned Electors meeting, duty of presiding officer when and how to make returns.

SECT. 3. It shall be the duty of the Secretary of State, before the meeting of the General Assembly, to make a Roll of the members of the House of Representatives, whose names shall have been returned by the presiding officer of the Elector's meetings in manner aforesaid, or (in case of the omission of such return) of whose election he shall receive the certificate of such presiding officer at any time before the meeting of the House of Representatives, in which Roll the names of the members shall be arranged in the order of the respective Counties as heretofore customarily practised; and a certified copy of the Roll so prepared from the certificates of the presiding officer of the Electors meetings shall be delivered by the Secretary to a member of the House of Representatives for the use of the House in the organization thereof.

Secretary of State to make a Roll of the House of Representatives, and how—to be delivered to a member of the House, &c.

SECT. 4. It shall be the duty of the Secretary

Secretary of
State to prepare
a Roll of the
Senate, of the
Senators de-
clared elected.

of State to prepare for the use of the Senate, before the meeting of the General Assembly, a like Roll of the members of the Senate, whose election shall have been duly canvassed and declared by the Board of Canvassers, as provided in the Constitution of this State.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXX.

An Act in addition to an Act, entitled "an Act prescribing the number of Jurymen for each town in this State."

Number of Ju-
rymen in Port-
land.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Portland, in Middlesex County, shall be, and is hereby entitled to select nine Jurymen and no more, in the manner and for the purposes prescribed in the act regulating Civil Actions, and that the town of Chatham shall hereafter be entitled to select nine Jurymen and no more.

Approved, June 9th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXXI.

An Act in addition to an Act, entitled "an Act concerning Lands."

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,*

That no award of arbitrators hereafter made purporting to decide the right or title, in, or boundary of any real estate shall be admissable as evidence for the proof of such right, title, or boundary, unless the submission of the parties to such arbitration be under their hands and seals, attested by two witnesses and acknowledged before a magistrate, or other proper officer, in the manner required by law for the acknowledgment of deeds; nor unless such award be in writing and under the hands and seals of the arbitrators.

When an award of arbitrators shall be admissable evidence to decide the right or title to real estate, &c.

SECT. 2. Every such submission and award shall be recorded at length by the Register or Town Clerk of the town where such real estate lies, and shall not be accounted good and effectual against any person or persons, but the parties to the same and their heirs, unless recorded as aforesaid.

Submission and award to be recorded, &c.

SECT. 3. This act shall not be so construed as to ratify or impair, or in any way affect any award heretofore made.

Approved, May 20th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXXII.

An Act authorizing the inspection of Leather, Hides and Skins.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the several Cities in this State be, and they are hereby authorized to ordain by-laws regulating the inspection of Leather, Hydes and Skins, within their respective limits: Provided, that no penalty imposed for the violation of such by-law shall exceed the sum of twenty dollars for any one offence.

The cities empowered to make by-laws for inspecting leather, hydes, &c., penalty not to exceed \$20 for an offence.

Approved, June 9th, 1841.

WM. W. ELLSWORTH.

CHAPTER XXXIII.

An Act relating to the discharge of Mortgages to the School Fund.

A School Fund debt fully paid, may be discharged in writing by the Treasurer &c., witnessed and recorded &c.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whenever a debt due to the State or the Treasurer thereof, for the benefit of the School Fund, shall be fully paid, and the same has been secured by mortgage of real estate in this State, a written discharge of such mortgage under the hand and seal of such Treasurer, witnessed by two witnesses, acknowledged before any officer authorized to take the acknowledgment of deeds, and recorded in the records of the town where the land lies, shall be as effectual to disincumber the property from such mortgage as if the same was released by deed of quit claim.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXXIV.

An Act entitled an Act for the organization of Regimental Bands of Music.

Capt. General empowered to form Bands of Music, one Band to each Regiment. Each Band to consist of not less than 12 or more than 25 persons, to furnish themselves with instruments—to

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the Captain General be authorized and empowered to form to each of the Regiments of Militia in this State, or to so many of them as he shall think proper, a Band of Music.

SECT. 2. Each Band so established, shall consist of not less than twelve, nor more than twenty-five musicians, all of whom shall furnish themselves with suitable instruments, and shall choose a Captain

and other proper officers, who shall receive warrants from the Commander of the Regiment to which said Band shall be attached.

SECT. 3. The commanding officer of each Regiment to which any Band formed by the provisions of this Act shall be attached, shall order out said Band whenever said Regiment shall be called out.

SECT. 4. The commanding officer of a Band organized by the provisions of this Act, shall order said Band to assemble for practice and instruction at such other times and places as he shall direct, not exceeding two days in each year, and shall have the same power over the members of said Band for the imposition and collection of fines, and for all other purposes, as the commander of the companies of the Militia of this State have over the members of the same.

SECT. 5. Every person while he continues a member of a Band thus organized, shall be exempted from the performance of Military duty in any company of the Militia of this State, and shall be subject to all and the same fines and penalties to which the members of said Militia companies are subject, and have the rights of notice and appeal from fines in the same manner as said Militia companies; and all fines collected from the members of said Band, shall be appropriated for the benefit of the Band in which said fines are collected, for purchasing and keeping in repair Musical Instruments, and for teaching and instructing its members in the science of music.

choose themselves a Captain &c.—to receive warrants.

Who to order out said Bands.

The Captains of said Bands may order out said Bands two days in each year for practice—his power to collect fines &c.

Members to be exempted from other military duty, &c—subject to fines, &c., appeal, &c., fines how appropriated.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXXV.

An Act to amend the charter of the City of New Haven.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the Court of Common Council of the city of New Haven, shall have power from time to time, as public convenience may require, to designate and fix the width, course, height and level of Gutters, in and upon the streets and high-ways in said city, and to cause the same to be paved at the expense of the adjoining proprietors; and the several provisions of the Act entitled "an Act regulating the side walks in the cities of Hartford, New Haven, and Middletown," are hereby extended to, and shall govern the proceedings of said Court of Common Council in relation to gutters, except so far as the same may be inconsistent with the provisions of this act.

The Common Council in New Haven, powers of: to fix width of gutters in N. Haven: to pave &c.

SECT. 2. The act to amend the charter of the city of New Haven, passed May session 1840, is hereby repealed. Provided, nevertheless, that this act shall not be in force, unless the same shall be assented to by the Mayor, Aldermen, Common Council and Freemen of said city, at a meeting legally holden for that purpose, and the evidence of their assent transmitted to the Secretary of this State, to be recorded in the public records thereof, on or before the first day of August, 1841.

Repealing the act of 1840: assent required of the Mayor &c. to validate this act.

Approved June 9th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXXVI.

An Act for the farther protection of the New Haven Burying Ground, styled in the Act of incorporation the New Burying Ground in New Haven.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That any person who shall without the consent of the corporation, wilfully and wantonly destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure placed in the new burying ground in New Haven, or any wall, fence, railing, gateway, or other work for the protection or ornament of said burying ground, or for the protection or ornament of any lot, tomb, grave stone, or other work within the limits of said burying ground, or shall wilfully and wantonly destroy, remove cut, break or injure any tree, shrub or plant, within the limits of said burying ground, or shall discharge any gun, or other fire arms within the limits, or against any part of the same, its inclosure, works or ornaments, except on funeral solemnities, under command of a military officer, every such person so offending, shall be punished by a fine not less than one, nor more than fifty dollars, or by imprisonment in a common jail not exceeding ninety days, or by such fine and imprisonment both, at the discretion of the court having cognizance of the offence. Provided, that no Justice of the Peace for any such offence, shall inflict a greater punishment than a fine of seven dollars and imprisonment not exceeding thirty days; but if such offence in the opinion of said Justice be of so aggravated a nature as to require a greater punishment, the offender shall be bound over to the next County Court to answer for such offence.

Damages done to tombs &c. in N. Haven burying ground, to be punished by fine or imprisonment.

Approved, May 31st, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXXVII.

An Act for the regulation of Pedlars.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That any person going from house to house, either on foot or otherwise, carrying to sell, or exposing to sale, any goods, wares or merchandise, which are the growth or manufacture of any foreign country, or any jewelry, plated ware or essences, or any cotton, woolen or silk goods, (excepting only sewing silk, cotton and linen threads, woolen yarn and stockings, knit from such thread or yarn) which are the growth, produce or manufacture of the United States, shall be deemed a pedlar.

Description of a
pedlar within
the Statute.

SECT. 2. Any person who shall be a pedlar without having a license therefor, agreeably to the provisions of this act, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than fifty dollars, one half to him who shall sue therefor and prosecute his suit to effect, and the other half to the Treasury of this State.

Penalty from
\$50 to \$100, to
peddle without
a license.

SECT. 3. Every pedlar shall pay for his license, if for one year a duty of twenty dollars, if for six months, of twelve dollars, or if for three months, of seven dollars, together with the sum of seventy-five cents to the Clerk of the Court for administering the oath and making out the license, as hereinafter provided.

Duty to be paid
for a license to
peddle.

SECT. 4. Such licenses shall be in the following form, viz. State of Connecticut, County of

Form of the li-
cense.

Be it known that license is hereby granted to A. B. of in the County of and State of to be a pedlar within this State for from this date. Given under my hand this day of A. D. Clerk of County Court for County.

SECT. 5. Any person applying for a license, shall produce and deliver to such clerk of the County Court, a certificate signed by two Justices of the Peace for such County, that the persons so applying is known to such Justices of the Peace, and that he is of a good moral character; and he shall

Qualification
necessary to ob-
tain a license :

also make oath that he is the person named in such certificate, which oath such Clerk is hereby authorized to administer and endorse upon said certificate; and said Clerk receiving said certificate, and the payment of the duty and Clerk's fees as heretofore provided, shall deliver to the person so applying, a license for the term of time for which payment shall have been made as aforesaid. All certificates so received by said Clerk shall be by him retained and kept on file, and said Clerk shall be allowed a commission of five per cent. on the amount of duty by them received as aforesaid.

to make oath
&c. : County
Clerks duty.

SECT. 6. If any person shall counterfeit any license to any pedlar, or shall alter any license granted as aforesaid, or shall utter and publish as true any counterfeit license, he shall be on conviction thereof confined at hard labor in the State Prison for a term not less than two years, nor more than five years.

Not less than
2 years imprisonment, nor
more than 5
years, in State
Prison, for coun-
terfeiting a li-
cense.

SECT. 7. Every pedlar who shall offer for sale any goods, wares or merchandise, in any town in this State, for the sale of which a license is by this act required, shall when thereto required by any Justice of the Peace, Grand Juror or Selectman of such town, exhibit and show his license as aforesaid to such Justice of the Peace, Grand Juror or Selectman, and on his failure so to do, shall forfeit and pay to the Treasury of such town, the sum of fifteen dollars.

When and to
whom a pedlar
shall show his
license, on pen-
alty of \$15.

SECT. 8. This act shall take effect, and be in force, from and after the first day of September next.

When said act
shall take effect.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXXVIII.

An Act in addition to the Act entitled "an Act to regulate the Inspection of Provisions and other articles of commerce."

Pork how fattened and packed for exportation out of this State and branded.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That all pork in barrels or half barrels, intended to be exported to any market out of this State, shall be of swine well fattened, and shall be distinguished and branded in the manner specified in the act to which this is an addition, by the names clear, mess, one hog, prime or cargo pork; clear pork shall be packed only from hogs of a superior quality, weighing not less than two hundred and fifty pounds, and shall consist of rib pieces, with the addition (at the discretion of the inspector) of the rump and top of the shoulder, but with the back bone and thin part of the flank taken out.

Prime Beef to be No. 1 beef and so branded on barrels and half barrels: Duties of inspectors and packers: penalties for violation.

SECT. 2. That quality of beef which is denominated in said act "Prime Beef No. 1," shall hereafter be denominated "No. 1 Beef," which designation shall with the weight be branded on one head of each barrel and half barrel containing the same, in lieu of the brand now required in said act.

SECT. 3. The duties of inspectors and packers, and the penalties and forfeitures for any violation of the provisions of this act, shall be in all respects the same as if the denominations herein designated had been originally specified in the act to which this is an addition.

Approved, May 20th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XXXIX.

An Act in addition to an Act, entitled "an Act concerning Schools."

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the first meeting of any new School District may be called and held by virtue of a notice from the Committee of the School Society to which such District belongs, on the written application of any five residents therein, who pay taxes: which notice shall prescribe and designate the time and place, and specify the objects of such meeting, and shall be duly put up or otherwise given, at least five days previous to the holding of the same.

Who may call the first meeting of a new school district: notice how given.

SECT. 2. If there is, or shall at any time be, a School District in which no newspaper is published, and there be no District school house nor sign post therein, and no other place of putting up notice or mode of giving notice has been designated by such District, the Committee of the School Society, to which such District belongs, may determine and direct at what place or places, the notice calling a meeting of such District shall be put up, or in what other mode the same shall be given.

The Committee of a district, in what cases to give notice, and place where.

SECT. 3. This act shall take effect from the passage thereof.

Approved, May 11th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XL.

An Act concerning Common Schools.

Be it enacted by the Senate and House of Representatives in General Assembly convened, as follows :

I. SCHOOL SOCIETIES.

School Society.	<p>SECT. 1. Every school society established as such by the General Assembly, and the inhabitants living within the limits of any ecclesiastical society incorporated with local limits, or such proportions of the same as have not been specially incorporated, shall constitute a school society, and as such shall be a body corporate, and respectively have power to establish and maintain common schools of different grades ;</p> <p>To purchase, receive, hold and convey, any real or personal property for school society purposes ;</p> <p>To build and repair school houses ;</p> <p>To lay taxes ;</p> <p>To sue and be sued ; and</p> <p>To make all lawful agreements and regulations for the useful education of all the children of the society.</p>
What constitutes.	
Powers of.	
Annual meeting when held.	
Special meeting	
Who may call,	<p>SECT. 2. Every school society shall hold an annual meeting on the second Monday of September, or on the first Monday of October in each year, for the choice of officers, and the transaction of any business relating to such society, and shall also hold a special meeting whenever the same shall be duly called.</p> <p>The school committee of the society, or if there be no committee, the clerk may call a special meeting whenever they shall think necessary or proper, and they shall call a special meeting on the written request of any ten residents therein qualified to vote, which request shall state the object of calling the same.</p>
Place for holding Society meeting.	

All society meetings shall be held at the usual place of holding the same, unless some other place

shall have been designated at a regular meeting of the society.

Notice of the time and place of every annual meeting, and of the time, place and object of every special meeting, shall be given at least five days inclusive previous to holding the same.

The school society committee, or if there be no such committee, the clerk shall give the notice of any society meeting, either by publishing the same in a newspaper printed in the society, or by putting the notice on a sign post therein, or in some other mode previously designated by the society. But if there be no such newspaper, nor sign post, nor other mode designated, such school committee or clerk may give the notice in such mode as they may deem proper, and the person or persons calling or notifying any such meeting, shall furnish the clerk of the society with a copy of such notice, on or before the day of holding the same.

Notice of meetings, by whom and when and where given.

Every person residing in the society qualified to vote in town meeting, may vote in school society meeting.

Who may vote.

Every meeting may choose its own moderator, and may adjourn from time to time to meet at the same or any other place.

Adjournment.

SECT. 3. Every school society at the annual meeting shall choose a clerk, a school committee of one or three persons, a board of school visitors not exceeding nine persons, a treasurer and a collector, who shall hold their respective offices until the next annual meeting, and until others are chosen or appointed.

Officers when chosen.

Tenure of.

Whenever any vacancy shall occur in any office in the society by death, removal or otherwise, the school committee for the time being may fill the same in their own number or otherwise, and make return to the clerk of the society.

Vacancies how filled.

And any person legally chosen or appointed, who shall refuse or neglect to discharge any duty imposed by this or any other act in relation to schools, or the education of children, shall forfeit the sum of five dollars, to be collected by the treasurer of the society for the use of schools.

Penalty for not serving.

SECT. 4. The clerk shall be sworn to a faithful discharge of the duties of his office by the moderator of the meeting, or by a justice of the peace ;

Clerk must be sworn.

Duties and powers.

Shall keep a record of the notices and the proceedings of the society, a copy of which, duly attested, shall be legal evidence in all courts ;

Shall preserve on file all reports made to the society, and perform all other duties appropriate to his office.

School committee.

SECT. 5. The school committee shall have the care and management of any property or funds belonging to the society, and shall lodge all bonds, leases, notes and other securities, with the treasurer, except so far as the same has been, or shall be, entrusted to others by the donor or grantor, or by the General Assembly, or by the society.

Powers and duties.

They shall pay to the treasurer all money which they may collect and receive for the use of schools ;

They shall settle and describe the boundary lines of any new school district, or of any existing district, or parts of a district within their limits, where the lines are not now settled and described, when applied to by the district, and shall cause the same to be entered on the records of the society ;

They shall designate the time, place, and object of holding the first meeting of any new district ;

They shall give due notice of all meetings of the society ;

They shall make return of the number of persons over four, and under sixteen years of age in said society, to the comptroller, and draw orders on the same for any portion of public money due to said society, as hereinafter prescribed ;

They shall draw all orders on the treasurer of the society, and perform all other lawful acts which may be required of them by the society, or which may be necessary to carry into full effect the powers of school societies.

Treasurer must give bonds.

SECT. 6. The treasurer, when required, shall give bond in such amount as shall be prescribed by the society, and with such sureties as shall be approved by the school society committee, for the faithful discharge of his duty :

Powers and duties.

Shall receive and take care of all money, leases, bonds, notes and other securities of the funds or property of the society, except those specially entrusted to others by the donor or grantor, or by law, and deliver and pay over the same to the order of

the committee, and render his account at the annual meeting.

SECT. 7. The collector shall collect and pay to the Treasurer all taxes or rates laid by the society, and by a warrant from a justice of the peace shall have the same power to collect and levy such taxes in and beyond the limits of such society, as collectors of town taxes, and be liable in the same way for refusal or neglect.

Collector.

SECT. 8. The board of visitors shall prescribe rules and regulations for the management, studies, books, classification and discipline of the schools in the society;

Powers and duties.

School visitors must prescribe rules.

Shall themselves, or by a committee by them appointed for this purpose, examine all candidates as teachers in the common schools of such society, and shall give to those persons with whose moral character, literary attainments, and ability to teach they are satisfied, a certificate setting forth the branches he or she is found capable of teaching: Provided, that no certificate shall be given to any person not found qualified to teach reading, writing, arithmetic and grammar thoroughly, and the rudiments of geography and history;

Examine teachers.

Give certificates

Shall visit all the common schools of said society twice at least during each season for schooling, once within four weeks after the opening, and again within four weeks preceeding the close, the school, at which visits they shall examine the register of the teacher, and other matters touching the school house, library, studies, discipline, mode of teaching, and improvement of the school;

Visit schools.

Shall annul by a major vote of said visitors, the certificates of such teachers as shall be found unqualified, or who will not conform to the law and the regulations adopted by the visitors;

Annul certificates.

Shall make out returns of the condition of each common school within their limits, in such particulars, and at such times, as the board of commissioners of common schools may specify and direct;

Make returns to board of commissioners.

And shall submit to the society at their annual meeting, a written account of their own doings, and of the condition of the several schools within their limits for the year preceeding.

Submit an annual Report.

The board of visitors may appoint a committee of

Appoint sub
committee.

one or two persons, to exercise all the powers, and perform all the duties of said visitors, subject to their rules and regulations ; and such committee shall receive one dollar each per day for the time actually employed in performing said duties, and such other compensation as the society may direct, to be paid out of the income of the town deposit fund, or in any other way which said society may provide.

School of a
higher order.

SECT. 9. Whenever a common school of a higher grade, for the older and more advanced children of either sex, shall be established and maintained by any society, such school shall be subject to the management of the board of visitors, unless otherwise directed by the society, and shall receive such proportion of all money provided for the support of common schools in such society, as the number of scholars attending such high school shall be to the whole number attending all the other common schools of the society.

School Society
Library.

SECT. 10. Every school society may establish and maintain a library for the use of the children thereof, under such rules and regulations as said society may adopt, and such library may be kept together at some convenient place, or be distributed into several parts, for the convenience of the several districts.

Boundary lines,
how settled.

SECT. 11. Whenever the boundary line between any two school societies is not clearly settled and defined, it shall be the duty of the school committees of such societies to settle and define the same ; and in case they cannot agree, said committees shall appoint some disinterested person or persons to settle and define said line, whose decision shall be final ; and the boundary line thus settled and defined, shall be entered on the records of the two societies.

II. SCHOOL DISTRICTS.

School districts
how formed &c.

SECT. 12. Each school society shall have power to form, alter, or dissolve school districts within its limits, and any two or more societies may form a district of adjoining portions of their several societies, and may alter and dissolve the same ; and such

district shall belong to the society in which the school house shall be situated. Provided, that no new district shall be formed with less than forty persons, over four, and under sixteen years of age; nor shall any existing district, by the formation of a new one, be reduced below the same number of like persons. Provided further, That no alteration shall be made in the limits of any district incorporated by special act of the General Assembly, unless such alterations be asked for or confirmed by a meeting of said district warned for that purpose.

SECT. 13. When any two or more districts shall be consolidated into one, the new district shall own all the corporate property of the several districts.

When a district shall be divided, the funds and property, or the income and proceeds thereof, belonging to such district, shall be distributed among the several parts, in proportion to the number of persons between the ages of four and sixteen in each, and in case the distribution shall not be made before the district is divided, and the several parts cannot agree, the committee of the school society shall distribute the same.

SECT. 14. Every school district shall hold an annual meeting on the first Tuesday of September in each year, for the choice of officers, and for the transaction of any other business relating to schools in said district, and shall also hold a special meeting whenever the same shall be duly called.

The district committee may call a special meeting whenever such committee shall think necessary or proper, and shall call a special meeting on the written request of five residents therein qualified to vote, which request shall state the object of calling the same.

District meetings shall be held at the district school house. If there be no school house, the committee shall determine the place of meeting. If there be no committee, the clerk shall determine the same. If there be no committee and no clerk, the committee of the society to which such district belongs shall determine the place of meeting, which shall in all cases be within the limits of the district.

Notice of the time and place of every annual

To what society a district belongs.

No district with less than forty children.

Incorporated district how altered.

Consolidated district, property of the several districts.

Property of divided districts.

Annual meeting when held.

Special meeting

When called, and by whom.

Place of holding meetings.

Notice of annu-

al meeting. Of special meet- ing.	meeting, and of the time, place, and object of every special meeting of the district, shall be given at least five days inclusive, previous to holding the same.
Who shall give notice.	The district committee, or if there be no such committee, the clerk, or if there be no committee and no clerk, then the committee of the society shall give the notice of a district meeting either by publishing the same in a newspaper printed in the district, or by putting the notice on the district school house, or on the sign post within the district, or in some other mode previously designated by the district; but if there be no such newspaper, school house, nor sign post, nor other mode so designated, then the committee of the school society to which such district belongs, shall determine how and where the notice shall be given.
Manner in which notices shall be given.	
Who may vote.	Every person residing in the district qualified to vote in town meeting, may vote in district meetings.
Adjournment.	Every meeting may choose its own moderator, and may adjourn from time to time, to meet at the same or some other place.
Names, &c. of districts must be recorded.	SECT. 15. The name or number and limits of every school district, shall be entered on the records of such district, and on the records of the school society to which such district belongs.
Boundary lines, how settled.	Whenever the boundary lines of any district are not clearly settled and defined, the school committee of the society in which the district is situated, shall settle and define the same; and when parts of such district lie in two or more societies, the committee of the school society in which any such part is situated, shall settle and define the boundary lines of such part.
Powers of school districts. Purchase &c. property.	SECT. 16. Every school district shall be a body corporate, and shall have power to sue and be sued; To purchase, receive, hold and convey any real or personal property for school purposes;
Build &c. school houses.	To build, purchase, hire and repair school houses, and to supply the same with fuel, furniture and other other appendages and accommodations;
Maps and globes.	To purchase maps, globes, black boards, and other school apparatus;
School library.	To establish and maintain a school library;
Teachers.	To employ one or more teachers;

To lay taxes, and to make all lawful agreements and regulations for establishing and conducting schools, not inconsistent with the regulations of the school society to which such district belongs.

SECT. 17. Each school district shall choose, at the annual meeting, a committee of not more than three residents of the district, a clerk who shall be sworn, a treasurer and collector, who shall hold their respective offices until the next annual meeting, and until others are chosen or appointed; and any person so chosen who shall refuse or neglect to perform the duties of the office, shall pay five dollars to the treasurer of the district, for the use of said district; provided that any new district may choose their officers at their first, or at any subsequent meeting called by a committee of the society, who shall hold their office till the next annual meeting of school districts.

SECT. 18. In case any district at the time for the annual meeting, shall fail or neglect to appoint all or any of the officers required by this act, or any vacancy shall occur by death, removal from the district, or otherwise, it shall be the duty of the committee of the school society to which such district belongs to make such appointment, and to fill such vacancy, on receiving written notice thereof from any three members of the district, and lodge the name or names of such officers so appointed, with the district clerk.

SECT. 19. The district committee shall give notice of all meetings of the district in the manner prescribed;

Shall, unless otherwise directed by the district, employ one or more qualified teachers; provide suitable school rooms, and furnish the same with fuel properly prepared;

Shall visit the schools by one or more of their number, twice at least, during each season of schooling;

Shall see that the scholars are properly supplied with books, and in case they are not, and the parents, guardians or masters, have been notified thereof by the teacher, shall provide the same at the expense of the district, and add the price thereof to

Lay taxes.

Regulation of schools.

Officers of school districts.

Tenure of office.

Penalty for not serving.

Vacancies, how filled.

District committee.

Give notice of district meetings.

Employ teachers.

Provide school rooms.

Visit schools.

See that books are provided.

the next school tax or rate of such parents, guardians, or masters ;

Suspend or expel bad pupils.

Shall suspend during pleasure, or expel from school during the current season, all pupils found guilty on full hearing, of incorrigibly bad conduct ;

Give information, &c.

And shall give such information and assistance to the school committees and visitors of the society, as they may require, and perform all other lawful acts as may be required of them by the district, or which may be necessary to carry into full effect the powers and duties of school districts.

Clerk, treasurer and collector. Powers and duties of.

SECT. 20. The clerk, treasurer and collector of each school district shall exercise the same powers, and perform the same duties in their respective districts, as the clerk, treasurer and collector of school societies do in their respective societies.

Site of school house, how determined.

SECT. 21. The vote of two thirds of any legal meeting shall be necessary to fix the site of a new school house, or to change the site of an old one ; but if such vote of two thirds cannot be obtained in favor of any site, the committee of the school society, or the committees of the school societies, in which such district is located, on application of the district, shall fix the site, and make return thereof to the clerk of the district, and to the clerk of the society in which such site shall be.

UNION DISTRICT.

Union districts. How formed.

SECT. 22. Any two or more adjoining school districts may associate together and form a union district, with power to maintain a union school, to be kept for the benefit of the older and more advanced children of such united districts, if the inhabitants of each of such districts shall, at legal meetings called for that purpose, vote to form such union.

Powers of.

SECT. 23. Any union district thus formed shall have all the powers of other school districts, and shall hold its first meeting for the choice of officers and the transaction of any other business on such notice, and at such time and place as may be directed by the committees of the districts thus united.

Annual meeting.

SECT. 24. The annual meeting of such union district shall be held at such time and place, and upon such notice, as the district may prescribe ; and no-

tice of all meetings shall be given as provided for in the case of school districts.

Notice of school meeting how given.
Officers.

SECT. 25. Every union district may choose a committee of one or three persons, a clerk, a treasurer, and a collector, who shall have all the powers, and discharge all the duties in reference to such district, which like officers have and discharge in other school districts.

Powers of.

SECT. 26. The union district committee shall determine the age and qualification of the children who may attend the union school, and make rules and regulations for the studies, books and discipline of the school, subject to the regulations of the visitors of the school society to which said union district belongs, and to any vote of the district.

Managment and superintendence of union school.

SECT. 27. Every union shool schall receive such proportion of all money accruing to the use of each of the united districts, as the number of children attending the union school from each of said districts, is to the number attending the district school in each; and the expense of sustaining the school beyond the amount thus received, shall be borne by the union district, in such manner as the legal voters of the same shall prescribe; and a tax or rate for this purpose may be assessed and collected in the same manner as in the case of any other school district.

Proportion of public money belonging to union school.

Expense of, beyond the receipts of public money, how borne.

III. TEACHERS.

SECT. 28. No teacher shall be employed in any school supported by any portion of the public money, until he or she has received a certificate of examination and approbation, signed by a majority of the board of visitors, or by all the committee by them appointed, nor shall any teacher be entitled to draw any portion of his or her wages, so far as the same is paid out of any public money appropriated by law to schools, unless he or she can produce such certificate, dated previous to the opening of his or her school; provided that no new certificate shall be necessary, when the teacher is continued in the same school more than one term, unless the visitors shall require it.

Teachers must have certificate of qualification.

When a new certificate is not required.

Must keep register.

Make out an abstract of the same.

SECT. 29. It shall be the duty of every teacher in any common district school, to enter in a book, or a register to be provided by the clerk at the expense of the district, the names of all the scholars attending school, their ages, the date when they commenced, the length of time they continue, and their daily attendance, together with the day of the month on which such school was visited by the school visitors of the society, or committee by them appointed, which book, or register, shall be open at all times to the inspection of all persons interested, and be delivered over by the teacher at the close of the term, to the district clerk, together with a certified abstract, showing the whole number of pupils enrolled, the number of males and females, and the average daily attendance; and it shall be unlawful to pay any teacher more than two-thirds of the amount due for any term of tuition, until said book and certified abstract shall be placed in the hands of the district clerk.

IV. STATE APPROPRIATION; TAXATION; EXPENSES.

Income of the school fund to be divided among the school societies according to enumeration.

District committee must make an enumeration in August, annually.

Who may be enumerated.

SECT. 30. The income of the school fund, after deducting all expenses attending its management, shall be divided by the comptroller of public accounts, with the advice of the commissioner of the school fund, and distributed among the several school societies, in proportion to the number of persons between four and sixteen years of age, as ascertained by the school committee of each society, in conformity with the provisions of this act.

The district committee shall annually, in the month of August, ascertain the name of every person over four, and under sixteen years of age, who shall belong to such district on the first Monday of said month, and compose a part of the family of his or her parents, guardians, or employers, together with the names of such parents, guardians, or employers, and shall make return of the same to the committee of the school society to which such district belongs, on or before the first day of September; provided, that in such return, no person shall

Who shall not be enumerated.

be included who are residing in such district to attend private school, or for other temporary purposes; but such persons shall be enumerated in the district where their parents or guardian resides.

In case of the absence or inability of the district committee to make the enumeration and return above required, it shall be the duty of the clerk of the district to do the same, in the manner and within the time before described.

Whenever the committee and clerk of any school district, shall omit to return to the committee of the school society, the enumeration of children in their respective districts, within the time prescribed by law, it shall be the duty of one of the committee of such school society to make such enumeration, before the tenth day of September following, and to return the same to the committee of such society; and for making such enumeration, said committee-man shall be entitled to receive five cents for each child so enumerated, to be paid from the next dividend belonging to said district, which may thereafter be received from the town deposit fund.

The return above required to be made to the committee of the society, shall be subscribed by the person making the same, and sworn to before a magistrate, according to the following form:

“I do hereby certify, that I have carefully enumerated according to law, all persons between the ages of four and sixteen, within the school district, and do find, that on the first Monday of August, A. D. there were residing within said district, and belonging thereto, the number of persons, between the ages aforesaid.

A. B.

“On this day of A. D. personally appeared, the above named and made oath the to truth of the above return by him subscribed. Before me, C. D. Justice of the Peace.”

The committee of the school society shall examine and correct the returns made to them, so that no person be enumerated twice in different districts, or be improperly returned, and shall prepare and transmit to the Comptroller of Public Accounts, on or

When the clerk of the district may make the enumeration.

When one of the society's committee may make the same.

Compensation for making enumeration.

The return must be signed and sworn to before a magistrate.

Form of return.

Committee of school society must examine and correct returns made to them.

before the fifteenth of September annually, a certificate, in which the number of persons shall be inserted at full length, and which shall be sworn to, according to the following form, to wit :

Form of return.

“We, the committee of the school society in the town of do certify, that from the returns made to us, under oath, as by law provided, we find that on the first Monday of August, A. D. there were residing within said society, and belonging thereto, the number of persons, between the ages of four and sixteen years; and from the best information we have obtained, we verily believe that the said number is correct.

} School society
} committee.”

“On this day of A. D. personally appeared the above named committee, and made oath to the truth of the above certificate, by them subscribed.

C. D. Justice of the Peace.”

Must lodge return with treasurer of society.

The school society committee shall lodge the returns made to them, with the treasurer of the society.

Comptroller shall draw order on the treasurer in favor of school societies.

SECT. 31. The Comptroller of Public Accounts, on application of the committee of any school society, shall draw and order on the treasurer for the amount which such school society may be entitled to, of all moneys appropriated by law for the benefit, support and encouragement of common schools, which may be in the treasury on the first days of March and October annually; provided, that no order shall be drawn in favor of any society, until the committee of such society shall certify in writing, under their hands, in the words following, to wit :

“We, the committee of the school society, in the town of do certify, that the schools in said society, have been kept for at least four months in the year, ending the thirtieth day of September last, by teachers duly examined and approved, and have been visited according to law; and that all the moneys drawn from the public treasury

months in the year, and visited twice during each season of schooling, by the visitors of the school society, nor until the district committee shall certify that the public money received by the district, for the year previous, has been faithfully applied and expended in paying the wages of such teacher or teachers, and for no other purpose whatever.

School money misapplied must be recovered by Comptroller for the use of schools.

SECT. 33. If any money appropriated to the use of schools, shall be applied, by a school society, or a school district, to any other purpose, the same shall be forfeited to the State, and it shall be the duty of the Comptroller to sue for such money, in behalf of the State, to be applied to the use of schools.

Penalty for making false certificate.

SECT. 34. If any committee shall, at any time, fraudulently make a false certificate, by which money shall be drawn from the treasury of the State, each person so fraudulently making such false certificate, shall forfeit the sum of sixty dollars to the State, to be recovered by action of debt, on this statute; and it shall be the duty of the Comptroller to bring a suit to recover the same.

Expense of schools over public money may be assessed by committee, on the parents or guardians of the children.

SECT. 35. Whenever the expense of keeping a common school by a teacher or teachers duly qualified, shall exceed the amount of all moneys provided to defray the expenses of such school, the committee may examine, adjust, and allow all bills of expense incurred for the support of said school, and assess the same upon the parents, guardians, and masters of such children as attended the same, according to the number and time sent by each.

Contingent expenses under twenty dollars may be assessed on parents.

SECT. 36. Whenever the contingent expenses of any school district, arising from repairs of school house or its appendages, books, costs, damages, or any other source, shall not exceed the sum of twenty dollars in one year, the same may be included in the aforesaid assessment.

Children cannot be excluded on account of poverty of parents.

SECT. 37. No child shall be excluded from any common school in the districts to which such child belongs, on account of the inability of the parent, guardian, or employer of the same to pay his or her tax or assessment for any school purposes whatever; and the selectmen, or a majority of the same, of the town or towns in which such child shall reside, shall be a board with power to abate at their discretion the taxes or assessment of such persons, as are una-

ble to pay the same, or any part thereof; and said selectmen shall draw an order for the amount of such abatement, upon the treasurer of the town in which such persons reside, in favor of said district. Their school taxes must be abated.

SECT. 38. Whenever a district shall impose a tax, the same shall be levied on all the real estate situated therein, and upon the polls and other rateable estate, except real estate situate without the limits of such district, of those persons who are residents therein, at the time of laying such tax; and said real estate shall not be taxed by any school district besides the one in which the same is situated; and said tax shall be made out and signed by the district committee, from the assessment list of said town or towns, to which said district belongs, last completed, or next to be completed, as said district may direct. District tax how levied. Real estate not taxed but once. Made out from grand list.

SECT. 39. Whenever real estate situated in one district, is so assessed and entered in the grand list in common with other estate situated out of said district, that there is no distinct and separate value put by the assessors upon the part lying in said district, then said district wishing to lay a tax as aforesaid, may call on one or more of the assessors for the time being, of the town in which such property is situated, to assess, and they are hereby authorized and directed on such application to assess, the value of that part of said estate which lies in said district, and to return the same to the clerk of said town; and notice of such assessment shall be given by the district committee in the same way as a notice for school meetings; and at the end of fifteen days after said assessment has been returned as aforesaid, said assessor and society's committee shall meet in such place in said district as said committee shall designate in their notice, and shall have the same power in relation to such list as the board of relief have in relation to lists of towns. Assessment of real estate, when its value cannot be ascertained from grand list.

When such list shall be perfected by said assessors and society's committee, the same shall be lodged with the Town Clerk, and said assessment shall be the rule of taxation for said estate by said district for the year ensuing; and said assessors shall be paid by said district, a reasonable compensation for their services. Notice of assessment. Assessment must be lodged with town clerk.

V. BOARD OF COMMISSIONERS.

Board of commissioners how constituted.

SECT. 40. His Excellency the Governor, the Commissioner of the school fund, ex-officio, and eight persons, one from each county in the State, to be appointed annually by the Governor, with the advice and consent of the Senate, shall constitute, and be denominated the Board of Commissioners of Common Schools; and the Governor is authorized to fill any vacancy occasioned by death, resignation or otherwise.

Must submit an annual report.

SECT. 41. The Board of Commissioners of Common Schools, shall submit to the General Assembly an annual report, containing, together with an account of their own doings;

Condition of each school.

First, a statement, as far may be practicable, of the condition of every common school in the State, and of the means of popular education generally;

Plans of improvement.

Second, such plans for the improvement and better organization of the common schools, and all such matters relating to popular education, as they may deem expedient to communicate;

Expenses of board.

Third, an accurate statement of the items of expense incurred or authorized by said Board of Commissioners of Common Schools.

May require returns from school visitors.

They may require of the school visitors of the several school societies, semi-annually, returns of the condition of each common school within their limits; and they shall prescribe the form of all such returns, and the time when the same shall be completed, and transmit blank copies of the same to the clerk of each school society.

Must transmit blanks.

Appoint Secretary.

They may appoint their own Secretary, who shall devote his whole time, if required, under their direction, to ascertain the condition, increase the interest, and promote the usefulness of common schools.

Compensation of Secretary.

SECT. 42. For the compensation of the Secretary, the Comptroller of public accounts is directed to draw an order on the treasurer for such sum as the Board of Commissioners of Common Schools may allow for his services, provided the same does not exceed three dollars per day, and his expenses,

while employed in the duties of his office, to be paid out of any money not otherwise appropriated.

VI. CONFIRMING AND REPEALING SECTION.

SECT. 43. That "an act for the regulation of school societies and for the support of schools," except the 19th section thereof, the several acts in addition to, and in alteration thereof, passed in the years 1824, 1828, 1829, 1835, and 1840, "an act relative to the committees of school districts, and directing the manner in which the meetings of school societies and school districts may be warned," passed in 1823, an act in addition thereto passed May session 1837, "an act relating to school societies and special school society meetings," passed May session 1837, "an act to provide for the better supervision of common schools," passed May session 1838, "an act concerning schools," passed May session 1839, and an act passed May session 1841, in addition to an act entitled "an act concerning schools," be, and the same are hereby repealed.

All acts respecting school societies and schools, repealed.

Provided nevertheless, That all rights vested in any person or persons by virtue of any of the acts hereby repealed, shall remain unimpaired and unaltered by this act; and that all matters commenced by virtue of any of the laws aforesaid now depending or unfinished, may be prosecuted and pursued to final effect, in the same manner as they might have been, if this act had not been passed.

All doings commenced and in progress, confirmed.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XLI.

An Act in addition to, and in alteration of an Act, entitled "an Act relating to the Sale of Spirituous Liquors."

Whereas, in the construction of the proviso in the 5th section of the act entitled "an act relating to the sale of Spirituous Liquors," passed in the year 1839, doubts have arisen whether said proviso was intended to apply only to those who at the time of the passage of said act were licensed as taverners, or to all persons who should thereafter be licensed as aforesaid in like manner. Therefore

Explanation of an act passed 1839, relating to the sale of spirituous liquors—regarding taverners.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That nothing in said act contained shall be so construed as to prevent any person who now is, or hereafter shall be, duly licensed as a taverner, from selling wines or spirituous liquors during the continuance, and according to the true intent and meaning of such license.

Jurisdiction of justices of the peace over section mentioned.

SECT. 2. In all prosecutions for a violation of the provisions of the 4th section of the act to which this is an addition, Justices of the Peace may hold jurisdiction, and may impose the fine therein named, subject to appeal on the part of the accused, to the county court, the same as in other criminal prosecutions.

Who may license to sell as apothecaries, for medicinal purposes—and may revoke, &c.

SECT. 3. The civil authority and selectmen of any town may, if they shall deem it expedient, license one or more persons in said town to sell wines and spirituous liquors as apothecaries, to be carried away and used for medicinal purposes; and may revoke such license at their pleasure—any thing in the act to which this is an addition, to the contrary notwithstanding.

Towns may pass by-laws as to the sale of liquors in taverns—vote by

SECT. 4. The several towns in this State, at a town meeting specially warned and held in the month of January, in each year, for the purpose of licensing, regulating or prohibiting the sale of wines or spirituous liquors in such town for the year en-

suings, and for no other purpose, may pass by-laws regulating or prohibiting the sale of wines or spirituous liquors by taverners, to be drunk in the tavern by them kept. The vote on the adoption of any such by-law shall be by ballot, and if the same shall be adopted by a majority of the voters at such meeting, equal in number to a majority of the whole number of electors whose names shall have been registered as qualified to vote for representative or representatives in such town, at the next preceding election, such by-law shall be deemed and declared to be passed, otherwise not. And if any taverner in such town shall violate any such by-law, he shall forfeit and pay for every such offence, the sum of seven dollars, to be recovered by action of debt, in the name of said town, before any Justice of the Peace residing therein. And the town at such meeting may by a major vote appoint an agent or agents, to prosecute all offences against such by-law.

ballot—vote required—violation of such by-law—penalty of—to appoint an agent.

SECT. 5. *Be it further enacted*, That all acts, or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

Repealing clause.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XLII.

An Act concerning Burying Grounds and places of Sepulture.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened*, That liberty be and hereby is granted to any individuals in any town in this State, to associate for the purpose of procuring and establishing a burying ground, or place of sepulture, and being so associated, they shall, on complying with the provisions of this Act, be considered a body politic and corporate; may choose a President and other officers,

Any persons may associate together to establish burying grounds, and become a body corporate—and how.

may enact by-laws for regulating the affairs of such corporation, not inconsistent with the laws of this State, and compel the observance thereof by suitable penalties; may sue and be sued, and do all acts necessary and proper for the well-ordering of the affairs of such corporation. Provided, however, that before any such association shall be entitled to the privilege of this act, they shall lodge with the Secretary of this State a copy of their articles of association, and they shall also cause the same to be recorded in the Records of the town where such burying ground may be situated.

Not to be taken
by execution or
warrant, or sold
by creditors.

SECT. 2. Whenever any part of such burying ground shall have been designated and appropriated by the proprietors thereof, as the burying place of any particular person or family, the same shall not be liable to be taken or disposed of by any warrant or execution, for any tax or debt whatever, nor shall the same be liable to be sold to satisfy the demands of creditors where the estate of such owner shall be insolvent.

Approved, June 2d, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XLIII.

An Act in addition to an Act, entitled "an Act Providing for the Collection of Taxes."

Re-enacting
provision of an
act passed in
1832.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the several provisions of the act passed in the year 1832, entitled "an Act in addition to an Act, entitled an Act providing for the collection of Taxes," be, and the same are hereby re-enacted and extended to all cases to which the same would be applicable if said act were now first enacted. Provided, that no claim which is the subject of any suit or action

now pending, shall be in any manner affected by the provisions of this act.

Approved, June 10th, 1841.

WILLIAM W. ELLSWORTH.

CHAPTER XLIV.

An Act in addition to an Act, entitled "an Act relating to the Collection of Executions against Turnpike and Toll Bridge Companies."

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever a receiver of the tolls of any turnpike company, or toll bridge company, has been, or shall be appointed, pursuant to the provisions of the act to which this is an addition, such portion of the tolls collected by said receiver, as the Judge of the county court in the county where the gate at which such tolls are collected is situated, shall from time to time order and direct, shall be expended in the necessary repairs of the road or bridge, for passing which the said gate is authorized to be erected, and the said repairs shall be made by such person or persons as said Judge may appoint for that purpose.

Funds to repair toll bridges or roads, how obtained, by whom expended.

SECT. 2. And said Judge shall adjust and settle the accounts of such receiver, at such times as he may deem expedient, and thereupon order the unexpended balance in his hands to be paid to the creditor or creditors in the execution, until the sums mentioned therein for debt and costs, and the interest thereon, together with the officers fees for serving the same, shall have been fully paid and satisfied.

Judges of county courts to settle the account of receivers at toll bridges, or turnpike gates, &c.

Approved, May 25th, 1841.

WILLIAM W. ELLSWORTH.

STATE OF CONNECTICUT, ss. }
SECRETARY'S OFFICE, July 12th, 1841. }

I HEREBY CERTIFY, That I have compared the printed copy of the Acts contained in this pamphlet, with the original Acts, as engrossed and passed by the Legislature, and find the same to be correct.

ROYAL R. HINMAN,
Secretary of State.

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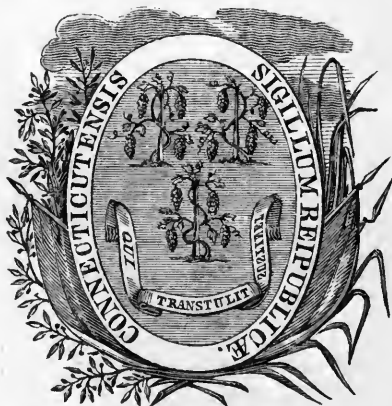
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PUBLIC ACTS,
PASSED BY THE GENERAL ASSEMBLY
OF THE
STATE OF CONNECTICUT,
MAY SESSION, 1842.

PUBLISHED, IN CONFORMITY WITH A RESOLUTION OF THE
GENERAL ASSEMBLY, UNDER THE SUPERINTEN-
DENCE OF THE SECRETARY OF STATE.



State of Connecticut, ss. :
OFFICE OF THE SECRETARY OF STATE, 1842.

HARTFORD.
PRESS OF ELIHU GEER, 26½ STATE STREET.
MDCCCXLII.



PUBLIC ACTS.

CHAPTER I.

An Act in addition to an Act entitled "An Act in relation to Agricultural Societies."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the several County Agricultural Societies which may hereafter be entitled to receive money from the State Treasury by virtue of the act of which this is an addition, may receive the same, and file the requisite certificate at any time during the months of September and October in each year. Any act, to which this is an addition, to the contrary notwithstanding.

Agricultural Societies to file certificates, &c., within the months of Sept. and Oct. in each year.

Approved, June 7th, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER II.

An Act to Incorporate Wadsworth Atheneum.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That Daniel Wadsworth, Thomas Day, David Watkinson, Thomas S. Williams, Alfred Smith, John M. Niles, Erastus Smith, William H. Imlay, James B. Hosmer, David F. Robinson, Charles H. Olmsted, Henry A. Chittenden, Robert Watkinson, Albert W. Butler, Cyprian Nichols, Charles Bos-

Persons incorporated.

well, John L. Boswell, John Olmsted, Sheldon P. Thatcher, Elizur T. Goodrich, Albert Day, Calvin Day, Elijah H. Owen, Amos M. Collins, William L. Collins, Erastus Collins, Charles Collins, James Ward, Roswell B. Ward, William A. Ward, James Dixon, Newton Case, Edwin D. Tiffany, Leander C. Burnham, Roswell C. Smith, Thomas K. Brace, Joseph Trumbull, Hezekiah B. Chaffee, Daniel P. Crosby, Ezra White, Jr., Austin Dunham, George Burnham, William L. Wright, James G. Bolles, George Goodwin, Jr., Charles Goodwin, John Warburton, Joseph Morgan, Gideon Welles, Elihu Geer, Ellery Hills, Leonard H. Bacon, Gurdon Fox, P. F. Robbins, Joseph Winship, Sanford B. Grant, Philip Ripley, Edward Bolles, Lucius H. Childs, C. C. Lyman, Henry Barnard 2d., Charles Hosmer, Jona. Seymour Brown, William H. Turner, Curtis Judson, Silas B. Hamilton, Waterman Roberts, Charles Brainard, Charles H. Brainard, Roswell Brown, Thomas Smith, Denison Morgan, Stillman Niles, Jonathan Watson, William T. Lee, Charles Abernethy, David Clark, Charles Seymour, John Butler, Alexander H. Pomroy, William Hungerford, William R. Cone, James H. Welles, Stephen Spencer, George Beach, Jr., John H. Preston, David S. Brooks, George M. Bartholomew, James H. Holcomb, James C. Walkley, Ezra Clark, Jr., Geo. Sumner, Allen Porter, Thomas C. Perkins, Eliphalet Terry, Joseph Church, Daniel Dewey, Enoch C. Stanton, Ezra S. Hamilton, John H. Webb, Chas. Mygatt, Samuel Woodruff, Francis Parsons, Geo. Burgess, Simeon L. Loomis, Junius S. Morgan, Harvey Seymour, Thomas S. Parker, John Parker, Miles A. Tuttle, Edmund B. Hull, Asahel Saunders, Ralph Saunders, John G. Mix, Lemuel Humphrey, Lucius H. Woodruff, James C. Woodruff, Samuel Kellogg, William Kellogg, Mason Gross, Daniel W. Clark, Roland Mather, David S. Dodge, Esek J. Preston, Edwin Taylor, S. G. Boughton, Calvin Spencer, Robert S. Seyms, George Seyms, Noah Wheaton, Oliver E. Williams, Thomas S. Williams, 2d., Thomas M. Day, Amariah Brigham, William B. Ely, Sheldon Woodbridge, Collins Stone, Henry B. Camp, Laurent Clerc, Charles L. Porter, Bela Turner, Virgil Cornish, Gurdon Rob-

bins, Jr., and their successors and associates shall be, and hereby are, created and constituted a body politic and corporate, by the name of "*Wadsworth Atheneum*," and by that name they and their successors shall have perpetual succession; shall be capable of suing and being sued, pleading and being impleaded, in all suits at law and in equity; may have a common seal, and may alter the same at pleasure. And whereas, Daniel Wadsworth of the city of Hartford, has granted to Thomas S. Williams and Alfred Smith, in trust for said Corporation, a lot of land lying between an alley on the north, and Charles Brainard's land on the south, and between Main street on the west, and land of said Wadsworth on the east, as a site for a building to be constructed in three divisions, to be separately used, one for a *Gallery of Fine Arts*, another for the Library and other accommodations of the *Hartford Young Men's Institute*, and the third for the use of the *Connecticut Historical Society*, with power and authority to said Society to allow or grant room or accommodations in their division for the use of the Natural History Society of Hartford, on such terms and to such extent, as said Historical Society shall think proper, or in case either of the above objects should be abandoned, or transferred elsewhere, then the part so left vacant to be applied to other objects of general interest, free of charge, except for insurance, taxes, (if any) preservation and repairs of the building; said corporation is hereby empowered to take from said trustees a conveyance of said land, with all the privileges and appurtenances thereto belonging; and to hold the same pursuant to the terms of said grant, and for the uses and purposes therein expressed, and thereby intended; and said corporation is also hereby empowered to make contracts, and to adopt contracts made for the erection, and finishing of said building with suitable out buildings, and fences on said land, and for repairs and rebuilding of the same when needed; for insurance thereon, for the furnishing thereof and for the purchase of paintings, engravings, statues, and other works of art, to be placed therein; and generally to do all acts necessary and proper to carry into full effect the objects

Name of
corporation.

General powers.

Proviso.

and purposes for which said land was granted ; and said Corporation is also empowered to receive and hold other personal property, not exceeding ten thousand dollars in amount or value ; which property may be loaned or otherwise disposed of, and the interest or principal applied for the objects and purposes aforesaid, as occasion may require. *Provided*, however, that said Corporation shall have no power to alienate or mortgage said real estate, or any part thereof.

Capital stock.

SEC. 2. The capital stock of this Corporation shall be held by those who have, or shall become subscribers thereto, in the following manner. Said stock shall be divided into two classes of shares: First, those of one hundred dollars each, which shall be assignable and transferable ; and secondly, those of twenty-five dollars each, which shall become extinct upon the death of the subscriber. Every such subscriber, to the amount of twenty-five dollars or more, shall be a member of said Corporation, and in all meetings of the share-holders, he shall be entitled to give one vote on every share of twenty-five dollars ; and every holder of a share or shares of one hundred dollars, shall have the right to give four votes on every such share of one hundred dollars held by him. Every subscriber to the amount of fifty dollars shall be entitled to the privilege of admission to the Gallery during his life, subject to such rules and regulations as may be prescribed by the trustees hereinafter mentioned for that purpose. Every holder of a share of one hundred dollars shall be entitled to such privilege while he remains a holder, and every holder of shares amounting to two hundred dollars or more, shall be entitled to the same privilege, and such privileges in the other institutions connected with this Corporation, as may be agreed upon by said trustees and the directors of said institutions respectively. *Provided*, That in the case of the subscriptions which have been or shall be made to said stock by, or in the name and behalf of any copartnership, or by any joint subscribers, who are not copartners, such copartners, or joint subscribers, may determine and designate, by a writing under their hands, who of their number shall have, enjoy, and exer-

Privileges of stockholders.

Proviso.

cise the same powers, privileges, and rights, which individual subscribers, to a like amount, are entitled to have, enjoy, and exercise.

SEC. 3. The concerns of said Corporation shall be managed by a board of trustees, under such regulations as may be prescribed by the by-laws thereof; which board shall consist of eleven trustees, to be elected annually by the share-holders, and of subscribers to the capital stock to the amount of five hundred dollars, who shall, by virtue of their subscriptions, be trustees for life.

Eleven Trustees,
elected annually,
to be managers.

SEC. 4. The share holders of said Corporation, in a general meeting thereof, shall have power to ordain and establish such rules, and by-laws, as they may deem expedient, relative to the time, place, and manner, of holding their meetings, with the notice to be given thereof; relative to the officers of the Corporation, and of the board of trustees and their duties; relative to a quorum in meetings of the share holders, and of the trustees; relative to the mode of transfer of the transferable shares; and generally for carrying into effect the powers hereby granted, not otherwise specifically provided for. *Provided*, Such rules and by-laws be not repugnant to the provisions of this Charter, or the laws of this State.

Power to ordain
by-laws, &c.

SEC. 5. If it shall so happen that an election of any annual officer or officers of said Corporation, or board of trustees, shall not take place in any year at the time appointed therefor, the Corporation shall not, for that reason, be dissolved; but such election may be held thereafter, and such officer or officers, may exercise his or their official functions until a new election be made.

When no election is held, corporation not dissolved therefor.

SEC. 6. All the estate, real and personal, which may at any time be owned by said Corporation, shall be exempt from taxation so long as the same shall be used, and the avails and income thereof shall be devoted to, and expended in, the objects and purposes herein before specified.

Estate exempt
from taxation.

SEC. 7. The first meeting of the share holders shall be holden at such time, in the month of June, 1842, and at such place, in the city of Hartford, as shall be designated for that purpose by Thomas Day and John M. Niles, or either of them, who shall

First meeting,
how called.

cause at least five days previous notice thereof to be given in two or more newspapers printed in said city.

Act, &c.
revocable.

SEC. 8. The exemption from taxation, provided for by the 6th section of this act, shall be subject to the future action and control of the General Assembly: and all parts of this act may, by said Assembly, be amended, altered, or repealed.

Approved June 1, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER III.

An Act in addition to and in alteration of sundry Acts relating to Banks.

Amount of
Discount to a
Director, &c.
limited.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That no Bank in this State shall directly or indirectly loan to any director or officer thereof, or to any company or corporation of which such director is a member or stockholder, any of its funds, or discount any paper on which such director or officer is the maker, acceptor or endorser, except to an amount not exceeding three thousand dollars, in any Bank whose capital actually paid in does not exceed one hundred thousand dollars; and to an amount not exceeding five thousand dollars, in any Bank whose capital actually paid in exceeds one hundred thousand dollars, but does not exceed three hundred thousand dollars; and to an amount not exceeding six thousand dollars in any Bank whose capital actually paid in exceeds three hundred thousand dollars, but does not exceed five hundred thousand dollars; and to an amount not exceeding eight thousand dollars in any Bank whose capital actually paid in exceeds five hundred thousand dollars, but does not exceed six hundred thousand dollars; and to an amount not exceeding ten thousand dollars

in any Bank whose capital actually paid in exceeds the sum of six hundred thousand dollars. Nor shall any such director or officer to whom loans are made, contrary to the provisions of this section, hold or exercise the office of director or officer of such Bank after the next annual election of directors in such Bank. *Provided* that this section shall not take effect until four months after the rising of this Assembly.

Act when to take effect.

SEC. 2. The directors of any Bank in this State shall not make or declare any dividend except from the earnings of such Bank, which shall remain after deducting therefrom all losses, all sums due from the Bank for bonus, plates, paper, vault expenses, charter expenses, furniture and all notes and drafts which shall have been due for six months or more, and not abundantly secured, and such amount of discount as shall at the time of making such dividend be the market rate in the city of New York on all uncurrent or depreciated Bank or post notes, or Bank, Insurance, City, State or other corporate stocks owned by such Bank : and the directors voting for any dividend made and declared not in conformity with the provisions of this section, shall forfeit and pay to the Treasurer of this State, the sum of five hundred dollars, for which such directors shall be jointly and severally liable, and it shall be the duty of the directors in making any dividend to take the question thereon by yeas and nays, which shall be recorded on the record of the Bank.

Dividends not to be made except from earnings.

Penalty.

Question on dividends, how to be taken.

SEC. 3. No Bank shall hereafter make any loan or discount on pledge of its own stock.

Stock, when not to be pledged.

SEC. 4. No stock in any Bank shall be voted on at any meeting of the stockholders of such Bank, except transferable stock ; and such stock shall not be voted on by proxy.

Votes on stock.

SEC. 5. No Bank shall hereafter issue any bills but such as are made payable at the Bank where issued.

Bills issued, where payable.

SEC. 6. There shall be annually appointed three Bank Commissioners by the General Assembly, whose duty it shall be to visit and examine the several Banks in this State, the several Savings Institutions in this State, and the affairs of the Housa-

Commissioners to be appointed, and their duties.

tonic Rail Road Company, at their discretion, agreeable to the provisions of an act concerning Banks, passed A. D. 1837, who shall report annually to the General Assembly the result of their examination, and an account of their charges for services and expenses to be paid by said Banks, Savings Institutions, and Rail Road Company, in proportion to their respective capitals.

Reduction of
Capital Stock,
how made.

SEC. 7. The directors of the several Banks in this State, under the supervision of the Bank Commissioners, are hereby empowered to reduce the capital stock of any Bank to such sum and such number of shares as the Bank Commissioners may determine, at any time when the General Assembly is not in session, a vote of the stockholders in a meeting legally warned and held for that purpose having first been obtained — and the Bank Commissioners shall make return of such proceedings to the session of the General Assembly next following for approval, and if approved, such reduction shall thereupon be made.

Repeal of other
Acts.

SEC. 8. That the Act passed May Session, A. D. 1835, providing that no Bank in this State shall be permitted to retain as surplus earnings more than five per cent. on the amount of the capital stock actually invested in said Bank in addition to the bonus required by the act of incorporation, and the act passed May Session, 1838, entitled “an Act in addition to an act entitled an act concerning Banks,” and all acts or parts of acts requiring Banks or the Cashiers thereof to make any return from said Banks to the Comptroller of this State, except the return of the amount of the capital stock, the amount owned by resident and non-resident stockholders, and all acts or parts of acts inconsistent with the provisions of this act, be, and the same are hereby repealed.

Forfeiture for
violation.

SEC. 9. Any Bank whose directors shall knowingly violate either or any of the provisions of the several sections of this act, except section second, shall forfeit and pay to the Treasurer of this State a sum not less than five hundred dollars, nor exceeding one thousand dollars for every such violation.

SEC. 10. That it shall be lawful for the stockholders of any Bank at the annual meeting for the

choice of directors, or at any special meeting which any five stockholders owning not less in all than one hundred shares of stocks, are authorized to call, to examine the books, accounts and securities of such Bank and the expenditures of the same, by a committee or otherwise, and it shall be the duty of the Cashier to produce and exhibit all such books and papers as may be demanded for said purpose—and the stockholders are hereby authorized at any such annual or special meeting to adopt rules and regulations for the conducting the affairs of the Bank, for restraining or directing the action of the directors, or cashier, or other officers of the Bank, *Provided* that such rules and regulations shall not be inconsistent with the laws of this State, or the provisions of the charter of the Bank.

Privilege of stockholders to investigate the condition of Banks—

and restrain the action of Directors.

SEC. 11. That no Bank Commissioner shall owe or be indebted to any Bank in this State as maker, drawer, endorser, or in any other manner whatever, and upon its appearing to the satisfaction of His Excellency, the Governor, that any Bank Commissioner at any time after twenty days from the passage of this Act, is or shall be indebted to any Bank in this State, he shall declare the office of such Bank Commissioner vacant, and shall appoint some other person in his place to execute and discharge the duties of a Bank Commissioner. And it shall be the duty of the cashier of each Bank to which any of the said Commissioners shall be so indebted as aforesaid, to give notice thereof to His Excellency the Governor. And no Cashier, Director, or officer of any Bank in this State, shall hold the office of a Bank Commissioner.

Bank Commissioners, how disqualified.

Cashiers to give notice.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER IV.

An Act to repeal an Act entitled "An Act to Incorporate the Mechanics Bank in New Haven."

Whereas, the Mechanics Bank, in the city of New Haven, has refused to pay its proportion of the salaries and expenses of the Bank Commissioners, agreeable to the requirements of the Statute, in such case made and provided. Therefore :

Provisional repeal of Charter—

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That, unless the said Mechanics Bank pay its said proportion of the salaries and expenses of the Bank Commissioners, agreeable to the requirements of the Statute, in such case made and provided, on or before the fifteenth day of July, 1842, said proportion to be ascertained by the Bank Commissioners, then the Act entitled "An Act to Incorporate the Mechanics Bank in New Haven" shall be, and the same is hereby repealed.

and distribution of avails, &c.

SEC. 2. The avails, and all the property of said Bank, of every name and description, provided said proportion as specified in the preceding section is not paid as required in said section, shall go into the hands of two Receivers, to be appointed by the Governor of this State, and shall be appropriated in the following manner, viz : First, to the payment of the charges and expenses of settling its concerns. Second, to the payment of the Bank notes and bills in equal proportions. Third, to the payment of all deposits by the Treasurer of the State, or by other persons. Fourth, to the payment of all the other liabilities in equal proportions. Lastly, the surplus shall be paid and distributed among the stockholders in proportion to the amount of their stock.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER V.

An Act to Incorporate the Bridgeport Savings Bank.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That Benjamin Wheeler, Birdsey G. Noble, W. B. Dyer, Mark Moore, Samuel Simons, W. H. Noble, Josiah Hubbell, Stephen Hawley, Sherwood Sterling, Willys Stillman, Smith Tweedy, David Perry, Samuel Stratton, Gideon Thompson, Henry Shelton, Wilson Hawley, Thomas Ransom, Lemuel Coleman, Joshua Lord, Scuyler Seeley, Starr Beach, Elihu Beach, be, and they hereby are, incorporated by the name and title of the Bridgeport Savings Bank; and they, and such others as shall be duly elected members of said corporation, shall be and remain a body politic and corporate, by the same name, style, and title forever.

Persons incorporated.

Name of corporation.

SEC. 2. Said corporation shall be capable of receiving from any person or persons disposed to obtain or enjoy the advantages of said incorporation, any deposit or deposits of money not exceeding four hundred dollars from any one individual in any one year, and to use and improve the same according to the provisions of this act.

Limitation of individual deposits.

SEC. 3. All deposits of money received by said corporation, shall be used and improved to the best advantage, by loaning the same by order or consent of a majority of the directors, on mortgage of real estate or other undoubted security, and in a manner not inconsistent with the laws of this State; and the funds of said corporation may be vested by purchase of Bank stock in any Bank in this State; and the said corporation may dispose of the same from time to time, to such an amount as will meet the demand for deposits, and the income or the profit thereof, shall be divided and applied among the persons making the deposits, their executors or administrators, in just proportions, with such reasonable deduction as may be chargeable thereon; and the principal of such deposit or deposits may be withdrawn by the owners thereof, or by any other

Loans, how made and secured.

Funds may be invested in Bank Stock.

Dividends.

- Notice to be given before withdrawing deposits. person or persons, duly authorized for said purpose, on giving notice of such intention in writing, and lodging the same with the Secretary of such corporation, at least four months previous to withdrawing the said deposit or deposits.
- Election of members. SEC. 4. Said corporation, at their annual meeting, shall have power to elect by ballot any other persons to be members of said corporation.
- General powers. SEC. 5. Said corporation shall have a common seal, which they may change or renew at pleasure ; and that all deeds, conveyances, grants, covenants, and agreements, made by their Treasurer, or any other person by their authority and direction, shall be good and valid ; and said corporation shall at all times have power to sue, and may be sued—may defend, and shall be held to answer, by the name and style aforesaid.
- Time of meetings. SEC. 6. After the first meeting, to be holden as hereafter directed, there shall be held an annual meeting of the members of said corporation; in the month of June, annually, in the city of Bridgeport, and at such other times as they shall judge expedient ; and any fifteen members of said corporation, the President or Vice President, Treasurer or Secretary being one, shall be a quorum ; and the said corporation, at their annual meeting, shall have power to choose a President, Vice President, managers, and such other officers as to them shall appear necessary ; which officers, so chosen, shall continue one year and until others are chosen in their room ; and all officers so chosen shall be under oath, faithfully to discharge the duties of their respective offices.
- Quorum.
- Officers, and term of service. SEC. 7. No member of said Corporation shall be the hirer, borrower, or surety of the funds of said Corporation, or any part thereof ; and no President, Vice President, or managers of said Corporation, shall be entitled to receive any compensation for their services.
- Disqualification for membership in said corporation.
- Officers not to receive compensation.
- By-Laws. SEC. 8. Said Corporation hereby are, and forever shall be, vested with the power of making by-laws for the more orderly managing of the business of the Corporation. *Provided* the same are not repugnant to the Constitution and laws of this State.
- SEC. 9. William B. Dyer, Smith Tweedy,

Sherwood Sterling, and Wilson Hawley, Esqrs., or any two of them, be, and they are hereby authorized to call the first meeting of said Corporation, and notice of the time and place of such meeting shall be given in the papers printed in Bridgeport; which meeting shall be held within sixty days after the rising of this Assembly; at which meeting said Corporation shall be organized by the choice of officers, and by transacting any other business necessary to the well ordering of the same.

First meeting,
how called.

SEC. 10. It shall be the duty of the President and managers of said Corporation to make an annual report to the General Assembly, containing the amount of deposits and dividends declared and made. *Provided always*, That this shall be deemed a public act, and may be altered or repealed at the will of the General Assembly.

Annual Report
to be made to the
General Assembly.

Act revocable.

Approved, May 30, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER VI.

An Act to Incorporate the Willimantic Savings Institute.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened*, That Oliver Kingsley, Jr., John Tracy, Lloyd E. Baldwin, James D. Hosmer, Joshua B. Lord, Royal Jennings, Samuel Lee, Horace Hall, William L. Jillson, Laban Chase, Newton Fitch, Lewis Gager, Lucian H. Clark, Amos Palmer, W. C. Clark, be, and they are hereby incorporated by the name and style of the Willimantic Savings Institute; and that they, and such others as shall be duly elected members of said Corporation, shall be and remain a body politic and corporate, by the name and style aforesaid.

Persons
incorporated.

Style of
Corporation.

SEC. 2. Said Corporation shall be capable of

Limitation of individual deposits. receiving from any person or persons any deposit or deposits of money, not exceeding two hundred dollars, either directly or indirectly from any individual in any one year ; and to use and improve the same at their discretion, as herein after provided.

Loans, how made and secured. SEC. 3. All deposits of money received by said Corporation shall be used and improved to the best advantage, by loaning the same, by order or consent of a majority of the directors, on mortgage of real estate or other undoubted security, and in a manner not inconsistent with the laws of this State ; and the funds of said Corporation may be vested by purchase in Bank stock, in any Bank in this State ; and said society may dispose of the same from time to time to such an amount as will meet the demands for deposits ; and the income or profits thereof shall be divided and applied among the persons making the deposits, their executors or administrators, in just proportions, with such reasonable deductions as may be chargeable thereon ; and the principal of such deposit or deposits may be withdrawn by the owner or owners thereof, or by any other person or persons duly authorized for that purpose, in giving notice of such intention in writing, and lodging the same with the Secretary of said Corporation, at least four months previous to withdrawing such deposit or deposits.

Investment of funds.

Dividend of profits.

Withdrawal of deposits — notice to be given.

Members, when chosen. SEC. 4. Said Corporation shall, at their annual meeting in June, elect by ballot, any other person or persons to be members of said society, in case of any vacancy, so that the members shall not be reduced below twelve in number.

General powers. SEC. 5. Said Corporation may have a common seal, and all deeds, grants, covenants, and agreements, made by any person with their authority and direction, according to the by-laws of said society, shall be good and valid ; and said Corporation may sue and be sued, may defend and shall be held to answer, by said corporate name.

Time of meetings. SEC. 6. A meeting of the members of said society shall be held at said Willimantic, in the month of June, annually, and at such other times as they shall judge expedient, and any seven members of said Corporation, the President or Vice President, Treasurer or Secretary being one, shall

be a quorum. And said Corporation at their annual meeting, shall elect a President, Vice President, five directors, and all such officers as to them shall appear necessary, which officers shall continue in office one year, and until others are chosen in their room.

Quorum.

Officers and their term of service.

SEC. 7. No President, Vice President, or trustee of said Corporation, shall be entitled to or receive any compensation for his services; and no member thereof shall be the hirer or borrower, or surety for any hirer or borrower of the funds of said Corporation, or any part thereof.

Officers not to receive compensation.

Disqualification for membership.

SEC. 8. Said Corporation shall have the power of making by-laws for the more orderly managing of the business of the Corporation, provided the same are not repugnant to the constitution and laws of this State.

Corporation may enact by-laws.

SEC. 9. Oliver Kingsley, Jr., Esq., is hereby authorized to call the first meeting of said Corporation, by causing personal notice to be given the members thereof of the time and place of holding said meeting in the month of June, 1842.

First Meeting.

SEC. 10. It shall be the duty of the President and Directors of said Corporation, to make annual reports of the deposits and dividends declared and made.

Annual reports.

Provided always, That this act may be altered, amended or repealed, at the pleasure of the General Assembly.

Act revocable.

Approved, May 30, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER VII.

An Act to amend the Charter of the City of Hartford.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,*

Number of
Wards.

Number of Al-
dermen and
Common Coun-
cilmen.

Time of Ward
Meetings.

Powers of the
Court of Com-
mon Council.

Limitation of
penalties, and
right of voting.

City Court, how
constituted.

That the Court of Common Council of the city of Hartford shall have power to divide said city into not less than four, nor more than six wards, for the election of Aldermen and Common Councilmen of said city, and to determine and fix the lines and boundaries of said wards; each of which wards shall choose, annually, one Alderman and no more; and an equal number of not less than two, nor more than five Common Councilmen, as said city, in legal meeting assembled for that purpose, shall direct. The meetings in all the wards for the above purpose, shall be held simultaneously at such time in the month of April, in each year, as the Court of Common Council of said city shall prescribe.

SEC. 2. The Court of Common Council of said city shall have power to make by-laws, prescribing the place and manner of holding the elections for Aldermen and Common Councilmen in each ward, designating the persons who shall preside at said elections, and to make all necessary by-laws for the purpose of carrying this act into effect, and to inflict penalties for the breach of such by-laws.

Provided, That no penalty shall exceed the sum of thirty-four dollars; and *provided further*, that all said by-laws, shall be approved by said city in legal meeting assembled, and shall be published at least three weeks successively in some newspaper in said city, before the same shall be of any validity. *Provided*, also, that no person shall be entitled to vote in any ward meeting in said city, except such persons residing in said ward as shall be, by the laws now existing, duly qualified to vote in meetings of said city.

SEC. 3. If said city shall be divided into wards, and the Aldermen thereof be elected according to the provisions of this act, and the by-laws made by said city in accordance therewith, the Court of Common Council of said city shall annually thereafter, at the meeting of said Council held for the choice of Recorder of said city, by a major vote of those present at said meeting, choose and designate two of the Aldermen of said city as Judges, who, with the Recorder, shall constitute the City Court of said city.

SEC. 4. The Court of Common Council of the city of Hartford are hereby authorized and empowered to make by-laws directing whether the votes for Mayor, Clerk, Treasurer, Auditor, Collector, and city Sheriffs, shall be received at the ward meetings, or at a general city meeting, and regulating the mode of receiving, and counting the same.

Court of Common Council empowered to make By-laws regulating election of City Officers.

SEC. 5. This act shall not take effect until the same shall have been accepted and approved in a city meeting of the city of Hartford, legally warned and holden for that purpose.

Act when to take effect.

SEC. 6. This act may at any time be altered, amended or repealed, by the General Assembly.

Revocable, &c.

Approved, June 3, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER VIII.

An Act to regulate the removal of buildings within the City of Hartford.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the Court of Common Council of the city of Hartford, are hereby authorized, at any legal meeting thereof, by a major vote, to grant liberty to any person or persons to remove any building through any public street or streets of said city, under such regulations, and within such time, as said Court of Common Council shall prescribe.

Court of Common Council may permit the removal of buildings.

SEC. 2. No building shall hereafter be removed upon or through any public street or highway within the limits of said city of Hartford, except by and with the license of the Court of Common Council of said city, and in such manner, and within such time, as said Court of Common Council shall prescribe.

Buildings not to be removed through public streets without licence.

SEC. 3. Every person who shall remove any building, and every person who shall aid or assist in

Forfeiture for
violation.

removing any building, within the limits of said city, contrary to the provisions of this act, shall forfeit and pay to the Treasurer of said city, for the use of said city, the sum of fifty dollars.

Further
forfeiture.

SEC. 4. Every person who shall remove any building upon or through any public street or highway in said city, contrary to the provisions of this act, or the regulations and license of said Court of Common Council, shall, in addition to the above penalty, forfeit and pay to the Treasurer of said city, for the use of said city, the sum of twenty dollars, for each and every day said building shall be and remain upon any highway within said city.

Act when to take
effect.

SEC. 5. This act shall not take effect until approved by a vote of the city, in a city meeting legally warned for that purpose.

Approved, May 30, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER IX.

An Act in addition to an Act entitled "An Act Incorporating the City of New Haven."

Recorder, his
duties —

and powers.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* There shall be a Recorder for the City of New Haven, who shall be the Chief Judge of the City Court of said city, and shall perform all the duties of a Judge of said Court instead of the Mayor of said city. And he shall also have and exercise all the other judicial powers and authority now by law appertaining to the office of Mayor of said City; and said power and authority are hereby transferred from said office of Mayor to said office of Recorder.

When and how
chosen.

SEC. 2. The Recorder of said city shall be annually chosen by the Court of Common Council, at a meeting specially held for that purpose, after the annual city meeting, and he shall hold his office

until another be chosen and sworn. He shall take the oath provided by law to be administered to other judicial officers, and shall receive such compensation as shall be established by by-law of said city.

Compensation.

SEC. 3. In case said office of Recorder shall at any time become vacant, by death or otherwise, said Court of Common Council shall supply such vacancy at a meeting specially warned for that purpose, and the person chosen to supply said vacancy shall hold said office until the next succeeding annual meeting, and until another be chosen and sworn.

Vacancy, how supplied.

SEC. 4. The Mayor of said city shall hereafter be the chief executive magistrate thereof; and it shall be his duty to be vigilant and active in causing the laws to be executed and enforced, and he shall be conservator of the peace within said city, and shall have authority with force and strong hand, when necessary, to suppress all tumults, riots, routs and unlawful assemblies, and to arrest without warrant, and commit to prison, for a time not exceeding twenty-four hours, any person or persons who may be detected in revelling, quarrelling, brawling, or otherwise behaving in a disorderly manner, to the disturbance or annoyance of the peaceable inhabitants of said city. He is also empowered to enter any house or building which he has reasonable cause to suspect to be inhabited by persons of ill fame, or to which persons of dissolute, idle, or disorderly character are suspected to resort. And if any dissolute, disorderly, or vagrant persons are found assembled in or about any such house or building, he shall command all such persons immediately to disperse, if in his opinion the good order of any portion of the city require it; and in case of neglect or refusal to obey such command, he is hereby authorized to commit any person or persons so disobeying to prison for a term not exceeding forty-eight hours; and he shall have, and may exercise within the limits of said city, all the powers given to sheriffs or other officers by the 59th and 60th sections of the Act entitled "An Act concerning Crimes and Punishments," and he may at all times, if need be, require the aid of any Sheriff, Deputy

Mayor, his duty and powers.

Sheriff, Town or City Constable or Watchman, or any or all of them, together with such other aid as may be necessary. And whenever he shall have reason to believe that great opposition will be made to the execution of his authority, he shall have power to call out the several companies of militia in said city, or any or either of them, and may exert all the force necessary to enable him to execute the laws within the limits of said city.

Penalty for resisting and refusing to obey the Mayor.

SEC. 5. If any person shall hinder, obstruct, resist, or abuse the Mayor in the execution of his office, or when commanded to assist him therein, (being of sufficient age and ability,) shall refuse or unreasonably neglect so to do, such offender, being thereof duly convicted, shall pay a fine not exceeding one hundred dollars, or shall be imprisoned in the county gaol not exceeding six months, or both, at the discretion of the court having cognizance of the offence.

Pay of military service, &c.

SEC. 6. Every commissioned officer and soldier when called into service by the Mayor of said city, in manner aforesaid, shall be entitled to the same pay, and for disobeying the commands of the said Mayor, shall be subject to the same penalty as is provided when called into service by the Sheriff of the county, by virtue of the Act entitled "An Act relating to Sheriffs."

Approved, May 30, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER X.

Whereas, the Assessors chosen by the town of Cheshire, on the first Monday in October, 1841, refused, and did not accept, or act as such Assessors, by reason of which other Assessors were afterwards chosen by said town, at a special meeting warned and held for that purpose, in said month of October, 1841. Therefore,

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the said choice of Assessors at said special town meeting, and their doings as such, shall not, for the reason that they were not chosen on or before the first Monday in October, 1841, be considered or adjudged void, but the same, and the doings of said Assessors, if in all other respects conformable to law, are hereby ratified and confirmed.

Doings of Assessors confirmed.

Approved, June 8, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XI.

An Act in addition to an Act entitled "An Act for constituting and regulating Courts, and for appointing the times and places of holding the same."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the first, second, third, fourth, fifth, sixth, seventh, eighth, fourteenth, fifteenth, and seventeenth sections of the act passed May session, 1841, approved June 9th, 1841, entitled "An Act for constituting and regulating Courts, and for appointing the times and places of holding the same," be, and the same are hereby repealed. And also, that so much of the sixteenth section of the last mentioned act as provides that the salaries of the judges of the County Court shall be eight hundred dollars, be, and the same is hereby repealed. Also that the fourth section of an act passed May session, 1838, approved May 31st, 1838, entitled "An Act in alteration of an Act entitled an Act for constituting and regulating Courts, and appointing the times and places of holding the same," be, and the same is hereby repealed.

Repeal of parts of former Acts.

SEC. 2. That the several County Courts in this

Judge of County Court; how appointed; his powers.

State shall respectively be held by one judge, residing in the county, who shall be annually appointed by the General Assembly, and who shall have the power and exercise the duties pertaining to the judges of said court within the county for which he is appointed.

Provision for vacancy or disability

SEC. 3. If the office of judge of the County Court shall be vacant, or the judge be disabled by sickness, at any time when the General Assembly is not in session, the clerk of said court, but if there be no clerk able to act, then the sheriff of such county shall give notice thereof as occasion may from time to time require, to the judge of some other County Court in this State, who shall thereupon have power to perform all the duties of judge in the county where such vacancy or disability has occurred, during the continuance of such vacancy or disability, and whenever the judge shall be disqualified to sit in a cause pending before said court which is not appealable, his place shall be supplied by three justices of the peace, selected in the manner prescribed in the 39th section of the act entitled "An act for constituting and regulating Courts, and for appointing the times and places of holding the same;" and if such case shall be appealable, then the plaintiff shall have power to remove it to the next Superior Court, as in said last mentioned section provided.

When the Judge is disqualified, and the cause not appealable, the case to be tried by Justices of the Peace.

If appealable, the plaintiff may remove the case to the Superior Court.

Powers of County Courts confirmed.

SEC. 4. That the County Courts, as constituted by this act, shall, and may, except as herein otherwise provided, exercise all the powers and be subject to all the duties exercised by and imposed upon said courts as now constituted.

Act when to take effect.

SEC. 5. This act shall be in force from and after the twentieth day of June, 1842; and thereupon all acts and parts of acts, inconsistent herewith, shall be repealed.

Salaries of Judges.

SEC. 6. The salaries of said judges shall be as follows, viz: for the judge of the County of Hartford, three hundred seventy-five dollars; for the judge of the County of New Haven, three hundred seventy-five dollars; for the judge of the County of New London, three hundred twenty-five dollars; for the judge of the County of Fairfield, three hundred twenty-five dollars; for the judge of the

County of Litchfield, three hundred twenty-five dollars; for the judge of the County of Windham, two hundred fifty dollars; for the judge of the County of Middlesex, two hundred fifty dollars; for the judge of the County of Tolland, one hundred seventy-five dollars; which salaries shall be payable at the times and in the manner provided by law for the payment of the salaries of the judges of the Superior Court and Supreme Court of Errors. When and how payable.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XII.

An Act in addition to an Act entitled "An Act for constituting and regulating Courts, and for appointing the times and places of holding the same."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever in any county, in which more than one town is by law designated for holding the Superior and County Courts therein, an adjournment of such courts shall be required, pursuant to the 15th and 18th sections of an act to which this is an addition, the judge or judges holding such court, may adjourn the same to be held in such of said towns as he shall consider will most promote the public convenience.

Adjournment of Courts in Counties having half-shire towns.

SEC. 2. Depositions taken to be used before the Superior or County Court, duly sealed up and directed to such court, may be opened by a clerk of the Superior or County Court in any county in this State; the clerk so opening such deposition certifying thereupon the time and place of his opening the same.

Depositions may be opened by Clerks of Superior and County Courts.

SEC. 3. The act, passed May session, 1841,

Acts repealed by
this act.

relating to adjourned terms of the Superior and County Courts, and all acts, and parts of acts, inconsistent with the provisions of this act, shall be, and the same are, hereby repealed.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XIII.

An Act respecting the Supreme Court of Errors.

A special session of the Superior Court may be held upon adjournment of the Supreme Court of Errors — its powers.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That immediately after the adjournment of the Supreme Court of Errors in any county, there may be holden in such county for the purposes hereinafter specified, and for no other purpose, a session of the Superior Court by such judge of said Court as said Court of Errors shall designate; which Superior Court shall have the same power to render judgment, and to cause execution to issue in all actions heard or decided during the preceding term of said Supreme Court, as any Superior Court would have at its regular term in the county where such action originated.

Entries, &c., by Clerks of the Superior Courts.

SEC. 2. The clerks of the respective Superior Courts shall cause their entries and records in such actions to conform to the orders made from time to time by the judge holding such special session of the Superior Courts.

Supreme Court of Errors empowered to make rules, &c.

SEC. 3. The Supreme Court of Errors are fully empowered to make all rules proper to carry into effect the true intent and meaning of this Act.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XIV.

An Act relating to the appointment of Clerks of Courts.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the clerks appointed by the several County Courts agreeably to the 19th section of "An Act for constituting and regulating courts and for appointing the times and places of holding the same," shall be clerks of the Superior Court and of the Supreme Court of Errors, in and for their respective counties; whose powers and duties shall be the same as those now exercised and enjoyed by the several clerks of the Superior Court and Supreme Court of Errors.

Clerks of County Courts to be the Clerks of Superior Courts, &c.

SEC. 2. *Be it further enacted,* That all acts and parts of acts inconsistent with this act, be, and the same hereby are repealed.

Acts repealed by this act.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XV.

An Act to repeal an Act therein named.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Act entitled "An Act in addition to an Act entitled an Act for constituting and regulating Courts, and for appointing the times and places of holding the same," passed May session, 1841, empowering the chief judge of the Supreme Court to order that the cases which are, or may stand for trial in any one county, may be tried in some adjoining county,

Act repealed conferring the power to remove cases from one County to another for trial.

and for other purposes in said act specified, be, and the same is hereby repealed.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XVI.

An Act in addition to an Act entitled "An Act concerning Crimes and Punishments."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever, in any prosecution pending before the Superior or County Court, it shall be made to appear to such Court, or to the judge who shall have been designated to hold the next term of said Court, that the testimony of any witness, or witnesses, will be required, who, by reason of sickness, bodily infirmity, or residence out of this State, cannot be had in person before such Court on the trial of such prosecution, such Court, or judge, may, upon the application of such person so prosecuted, order and direct that the deposition of such witness, or witnesses, shall be taken before a commissioner, or magistrate, to be designated by such Court, or judge.

Depositions under what circumstances to be taken, and before whom.

Notice to be given to the State's Attorney of the examination, his power to file additional interrogatories.

Depositions admissible on trial.

Provided, however, that no such deposition shall be so taken until after reasonable notice shall have been given to the attorney for the State in the County in which such prosecution shall be so pending, of the time and place, when and where such examination shall be had, and of the interrogatories to be propounded to the witness, or witnesses. And said attorney may, within such time as such Court or judge shall limit and appoint, file with the clerk of said Court, where such prosecution shall be pending, additional interrogatories to be propounded to the witness or witnesses to be examined. And depositions so taken and opened, and lodged

on file with the clerk of said Court, within such time as said Court or judge shall direct, may be used on the trial of such prosecution.

Approved, June 8, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XVII.

An Act regulating Elections.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly, convened,* That at the Electors' meetings in the respective towns in this State, on the first Monday in April, in each year, the presiding officer shall cause to be made a record of the name of every person depositing his vote in the ballot box provided for the reception of votes for Governor, Lieutenant Governor, Secretary, Treasurer, Comptroller, Senator, Sheriff and members of Congress; which said record shall at the close of the election, be deposited with the town clerk according to the provisions of an act entitled "an Act in alteration of an Act regulating the Election of Governor, Lieutenant Governor, Senators, Members of the House of Representatives, Treasurer and Secretary," passed at the Special Session of the General Assembly, begun and held on the 21st day of December, 1836, approved December 29, 1836 — which last mentioned act, as modified by subsequent acts now in force, and not repealed by the following sections of this act, is hereby revived and re-enacted.

Names of Electors voting on the first Monday in April to be recorded.

Record to be deposited with the Town Clerk.

Act as modified re-enacted.

SEC. 2. *Be it further enacted,* That the act entitled "an Act to provide for the Registration of the Names of the Electors of this State," passed by the General Assembly at their May Session, begun and held on the first Wednesday of May, 1840, approved June 5th, 1840, be, and the same is hereby repealed.

Act of 1840 repealed.

SEC. 3. *Be it further enacted,* That sections second, third, fourth, fifth, sixth, seventh, eighth,

Repealing certain sections of another act.

and ninth of the act entitled "an Act regulating special electors meeting, for the choice of Representatives in the Congress of the United States," passed by the General Assembly at their session held in May, 1840, be, and same hereby is repealed.

Act of 1839 repealed.

SEC. 4. *Be it further enacted*, That the act entitled "an Act to provide for the Registration of the Names of Electors," passed by the General Assembly at their session, held on the first Wednesday of May, 1839, approved June 7th, 1839, be, and the same is hereby repealed.

Qualifications for voting for State Officers and Electors of President, &c.

SEC. 5. *Be it further enacted*, That every legally qualified elector of any town in this State, having resided in the State the time required by law, shall be authorized to vote in any other town in the State for Governor, Lieutenant Governor, Secretary, Treasurer, Comptroller, and electors of President, and Vice President of the United States; and every such elector who may lawfully vote for Representatives in any town in the Congressional District in which he resides, or who shall have resided four months next preceding in such Congressional District, shall be authorized to vote in any town in the Congressional District in which he resides at any election for a Member of Congress in said District; and any such elector who may lawfully vote for Representatives in any town in the county in which he resides, or who shall have resided in such county for the period of four months next preceding, shall be authorized to vote in any town in the county in which he resides at any election for Sheriff for said county. *Provided*, If such elector offers his vote in any other town than the one in which he may lawfully vote for Representatives, he shall produce a certificate from the town clerk of the town in which he shall have been admitted an elector, of such his admission, and shall be sworn before the presiding officer of the Electors' Meeting where he offers to vote, (which oath said presiding officer is hereby authorized to administer,) that he is the identical person named in the certificate produced, and that he has not on the same day voted in any other town in this State:—and false swearing in the matter above specified shall be deemed perjury, and punished accordingly; and the certificates required

Representatives in Congress,

and Sheriff of the County.

Electors coming from other towns to produce certificates and be sworn.

False swearing, how punished.

by law to be produced by such electors shall be placed in the possession of the town clerk who shall preserve the same.

Certificates to be deposited with Town Clerk.

SEC. 6. The town clerk and selectmen shall be in session during the Electors meetings of their respective towns, at or near the place where such meeting is held, and if the vote of any person is challenged, and if in the opinion of the presiding officer of the meeting, delay would arise by the decision of the challenge by himself, then said presiding officer may refer the question whether the person whose vote is challenged is entitled to vote, to said town clerk and selectmen by whom such question shall be immediately heard and decided, before the ballot box is closed, and reported to the presiding officer, who shall conform to such decision. The town clerk and a majority of the selectmen, and in the absence of the town clerk, a majority of the selectmen, shall constitute a quorum to act on such question, and a quorum being present, the decision of a majority of those present shall be binding.

Town Clerk and Selectmen may decide on challenged votes.

Quorum therefor.

Approved June 7, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XVIII.

An Act relative to Students at Literary Institutions.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That in all cases, where persons have left, or shall leave, their home or place where they reside, to attend any Academy, College, or other Literary Institution, in any town or city in this State, for the purpose of obtaining an education, that absence for such purpose, while so attending such Academy, College, or other Literary Institution, as students,

Residence at a Literary Institution, not to constitute such a change of domicile as to subject the person to taxation, or to confer the privileges of an elector.

shall not constitute a change of the place of residence of such persons, so as to cause them to be liable to be taxed, or to be entitled to be admitted to the privilege of electors, or being electors, to vote in the town or city where such Academy, College, or Literary Institution is situated, and where a residence in said town or city is by law necessary for the purposes aforesaid; but all such persons shall be subject to such liability (unless by law exempt therefrom) and entitled to such privileges, if otherwise duly qualified, in the town or place where they resided previous to such temporary absence for the purpose of obtaining an education as aforesaid, or in such other town to which they may have changed their home and residence during said time.

SEC. 2. *Be it further enacted*, That so much of any former act, or acts as is inconsistent with this act, be, and the same hereby is repealed, and that this act shall take effect from the time of passing the same.

Approved, June 8, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XIX.

An Act in addition to "An Act conferring certain powers on the towns therein named."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened*, That the several towns in this State, at their annual town meetings, a notice to that effect having been inserted in the warning therefor, shall have right, if they see fit, to order that all future electors meetings in said towns, respectively, shall be warned, opened and holden at 7 o'clock, in the morning, and that the ballot box for all officers to

Towns may order the ballot boxes to be opened at seven o'clock in the morning.

be chosen at said meetings, shall be opened at that time.

SEC. 2. Any towns having passed the order named in the preceding section of this act, shall have the power to rescind the same only at a future annual town meeting; a notice to that effect having been inserted in the warning therefor.

When and how rescinded.

SEC. 3. That in the towns of Hartford, New Haven, and in all other towns in which the order specified in the first section of this act shall have passed and be in force, the town clerk and selectmen of said towns respectively shall meet together on the day of holding electors meeting in said towns, at 7 o'clock, in the forenoon, at the place of holding the elections, for the purpose of receiving, examining and deciding on all applications to be admitted to the privilege of electors, in lieu of meeting for that purpose at 9 o'clock in the morning, as required by the third section of the act entitled "An Act relative to the admission of electors."

Board for admitting electors to meet at seven o'clock in the morning.

Approved May 30, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XX.

An Act in addition to "an Act relative to the Admission of Electors.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the selectmen and town clerk of the several towns in this State, in lieu of the time now by law provided for that purpose, shall meet at the place of holding electors meetings, or at such other place as shall be designated by said towns, or the selectmen thereof, on the last Monday of March, annually, and on the last Monday of October, 1844, and on the last Monday in October, quadriennially thereafter, at nine o'clock, A. M. of said days, for the

Time of meetings of Selectmen and Town Clerk for admitting electors.

Continuance of the session. Meeting may be adjourned from time to time.

Towns may make certain regulations.

Town Clerk and Selectmen to decide on the claims of electors who have been admitted in other towns.

Record to be made of persons so admitted, &c.

Time and place of said meeting to be notified.

Town Clerk and Selectmen may examine under oath.

purpose of examining and deciding upon all applications to be admitted to the privilege of an elector ; and shall continue in session for that purpose until five o'clock, P. M. of said days, if so long a time be necessary, and may adjourn said meetings from time to time. And any town of this State, at their annual town meeting, notice to that effect having been inserted in the warning therefor, may provide that no person shall be admitted an elector on the first Monday of April, and first Monday of November, except such as shall have attained the age of twenty-one years after the last meeting of the said town clerk and selectmen ; and such vote, being passed by any town, shall be valid and effectual in such town ; but admissions of electors may be made on the morning of electors meeting day on the first Monday of April, and first Monday of November, in all towns where such vote has not been passed as aforesaid.

SEC. 2. *Be it further enacted,* That at any of the meetings aforesaid, the said town clerk and selectmen shall have the power to examine and decide upon all applications that shall be made to them for the privilege of voting in the town where such meeting is held, by persons previously admitted electors in other towns, and a record shall be made and preserved of the persons so admitted to such privilege, and of the officers for which they are entitled to vote.

SEC. 3. It shall be the duty of the town clerk and selectmen to cause notice of the time and place of their said meetings, to be given to the inhabitants of the town where such meetings are held, by posting such notice on the public sign-post in said town, or by publishing the same in some public newspaper printed in such town ; which notice shall be given at least five days previous to such meeting.

SEC. 4. The said town clerk and selectmen, when met at any time for the purposes aforesaid, or for the purpose of hearing and deciding upon challenges on election days, may, at their discretion, examine applicants and witnesses under oath ; and if any person, in giving his testimony before them, shall be guilty of wilful false swearing, such person

shall, upon conviction thereof, suffer the punishment prescribed by law for the crime of perjury ; and if any person, not under oath, shall wilfully give a false name, or a false statement, to said selectmen and town clerk, when so met, he shall forfeit the sum of fifty dollars to the treasury of the State.

False swearing,
how punishable.

Penalty of giving
false name or
statement.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXI.

An Act relating to the Fishery in Bride Pond, in East Lyme.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whoever shall violate the provision of a Resolution, passed by the General Assembly, May session, 1823, respecting the fishery in Bride Pond, in East Lyme, shall be subject to a penalty of twenty-five dollars.

Penalty for violating
resolution of
1823, relating to
this fishery.

Approved, June 8, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXII.

An Act for the preservation of Game.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That if any person shall, between the first day of February and the first day of August in any year,

Killing Game,
&c., at certain
seasons, inter-
dicted.

Penalty.

kill or destroy, have in possession, sell or expose for sale, any of that species of game called Woodcock; or shall take or destroy the nests or eggs of the same; or between the first day of February and the fifteenth day of September, kill or destroy, have in possession, sell, or expose for sale, any of that species of game called Pheasants, Partridges, or Quails, or shall take or destroy the nests or eggs of the same, he shall forfeit and pay for every such Woodcock, Pheasant, Partridge, or Quail, nest, or eggs, so taken, or destroyed, the sum of one dollar to any person who shall prosecute therefor, by action, grounded on this statute.

Certain birds
excepted.

Forfeiture for
trespass.

Further penalty
for violating this
act.

SEC. 2. If any person shall shoot at, or kill any of the birds mentioned in the preceding section, or any other bird or birds, or shall take or destroy the nests, or eggs of the same, (excepting Crows, Pigeons, and marine birds, all water fowls, and all birds known as birds of prey,) upon lands not owned or occupied by himself, and without license from the owner, or occupant thereof, at any time between the first day of February and the first day of August, in any year, he shall forfeit and pay to the owner, or occupant of such lands a sum not exceeding five dollars, in addition to the actual damages sustained, to be recovered by such owner or occupant in an action of trespass.

SEC. 3. *And be it further enacted*, That any person who shall be guilty of a violation of the provisions of this act, may be punished by fine not exceeding five dollars, or by imprisonment in a common jail not exceeding ten days, or by such fine and imprisonment both, at the discretion of the court having cognizance of the offence.

Act repealed.

SEC. 4. *Be it further enacted*, That the Act entitled "an Act for the protection and preservation of Birds and feathered game," be, and the same is hereby repealed.

Approved June 8, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXIII.

An Act to abolish Imprisonment for Debt.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That no person shall be arrested, held to bail, detained, or imprisoned, upon process, *mesne* or final, founded upon contract merely, express or implied, any law or custom to the contrary notwithstanding.

Imprisonment,
upon process
founded on con-
tract, abolished :

Provided, That in all actions for tort, and in all actions for fines and penalties, or on promises to marry, or for monies collected or received by a public officer, or by any person while acting as trustee, or in any fiduciary capacity, or for any misconduct or neglect in office, or in any professional employment; and in all actions on the case at common law for fraud, (and which actions on the case, are hereby authorised) alleging fraud against any person, in fraudulently or collusively obtaining credit; or in fraudulently contracting any debt, or incurring any obligation; or in fraudulently, with intent to defraud the plaintiff in such action, concealing, removing, withholding, assigning, or conveying away from legal process, his property of any kind or choses in action; or in fraudulently keeping back his money or means on a debt admitted or recovered by judgment; or in withholding or refusing to disclose or avow his rights in actions or credits, so that they may be reached by process of foreign attachment; in all such cases and actions, the defendant may be held to bail, arrested, or imprisoned, with the same means of release and discharge of his body, as provided in such actions by existing laws.

except in certain
specified cases.

SEC. 2. All provisions of law, inconsistent herewith are repealed; and this act shall take effect on and from the 4th day of July, 1842.

When to take
effect.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXIV.

An Act in addition to an Act entitled "an Act to confirm Deeds and other Conveyances of Real Estate."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That all deeds of land, and other conveyances of real estate, which have been acknowledged before any Notary Public duly appointed and commissioned by virtue of the act passed in 1833, entitled "an Act authorizing Notaries Public to administer Oaths," on which the Notary Public, taking such acknowledgment, shall have omitted to place his seal of office, shall not, for such omission, be adjudged void; but shall be valid to all intents and purposes, to the same extent as if said seal had been placed thereon.

Omission of Notarial Seal shall not invalidate acknowledgments.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXV.

An Act in addition to an Act concerning Lands.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That it shall be the duty of Town Clerks to record, or cause to be recorded at length, all deeds, and other instruments left for record, within a reasonable time, not to exceed thirty days from the time said deed is left for record. And if any Town Clerk shall violate the provision of this act, he shall forfeit and pay to the Treasurer of the town where the offence is committed, a penalty of not less than

Town Clerks to record deeds, &c., within thirty days.

Penalty for neglect.

seven dollars, nor more than fifty dollars, at the discretion of the court having cognizance of the offence.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXVI.

An Act to cede to the United States the jurisdiction of certain lands in this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That his Excellency, the Governor, be, and he is hereby authorized and empowered to cede to the United States, Fort Trumbull, in the town of New London, and Fort Griswold, in the town of Groton, and the jurisdiction of the lands whereon the same are situated, and of so much of the lands thereto adjoining, as in his opinion, may be necessary for the accommodation of the United States.

Governor authorized to cede forts Trumbull and Griswold, &c.

SEC. 2. *Be it further enacted,* That the deed, or instrument of such cession, shall be recorded by the Secretary of State before its final delivery to the United States. *Provided,* However, that the right to serve civil and criminal process upon said lands, be, and the same is hereby reserved.

Deed to be recorded by Secretary of State.

Proviso, reserving the right to serve processes.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXVII.

An Act in relation to the sale of Spirituous Liquors.

Repeal of laws
regulating the
sale of spirituous
liquors.

Taverners only
to sell liquors to
be drank on the
premises.

Penalty of
violation.

Be it enacted by the Senate and House of Representatives, in General Assembly convened, That all laws now in force regulating the sale of Spirituous Liquors be, and the same are hereby repealed. Provided, That no person or persons, excepting taverners, shall sell directly or indirectly, by an agent or otherwise, to any person or persons, or permit to be sold, any wines or distilled Spirituous Liquors to be drank in his or her house, shop, distillery, or dependencies, upon penalty of forfeiting and paying the sum of five dollars to the treasurer of the town wherever such offence is committed, for each and every violation of this law. Provided, also, That this act shall not be construed to repeal or affect, the second, third or fourth sections of the act entitled "an Act for Licensing and Regulating Taverns, and suppressing unlicensed houses."

Approved June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXVIII.

An Act in addition to an Act entitled "An Act relating to Masters and Servants."

Children under
the age of fifteen
years not to be
employed in
labor, unless in-
structed at school

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened, That no child, under the age of fifteen years, shall be employed to labor in any manufacturing establishment, or in any other business in this State, unless such child shall have attended some public or private day school where instruction is given by a teacher, qualified to instruct in orthography,*

reading, writing, English grammar, geography, and arithmetic, at least three months of the twelve months next preceding any and every year in which such child shall be so employed. And the owner, agent, or superintendant, of any manufacturing establishment who shall employ any child in such establishment, contrary to the provisions of this section of this act, shall forfeit and pay for each offence, a penalty of twenty-five dollars to the treasurer of the State.

three months every year so employed.

Forfeiture for violation.

SEC. 2. A certificate, signed and sworn to by the instructor of the school where any child may have attended, that such child has received the instruction herein intended to be secured, shall be deemed and taken to be sufficient evidence of that fact in all cases arising under this act. It shall be the duty of the school visitors of the several school societies, personally, or by a committee by them appointed, annually, and as often as they shall think proper, to examine into the situation of the children employed in the several manufacturing establishments in their respective societies, and to ascertain whether the requisitions of this act are duly observed, and to report all violations thereof to some informing officer, to the intent that prosecutions may be had therefor: and it is hereby made the duty of all informing officers to prosecute for all violations of any and all the provisions of this act.

Certificate of instructors to be received in evidence.

Duty of school visitors.

Violations of this act to be prosecuted.

SEC. 3. No proprietor or proprietors of any cotton or woollen manufacturing establishment in this State, or person or persons carrying on the business of manufacturing in any such establishment as lessees or in any other manner, or person or persons having charge of the affairs of any such establishment or business, shall employ, or suffer to be employed, or aid or assist in employing in such establishment, any child under fourteen years of age, a greater length of time than ten hours in any one day. And every person who shall violate any of the provisions of this section of this act, shall forfeit and pay for each offence, a penalty of seven dollars.

Children under fourteen years of age not to be employed more than ten hours a day.

Penalty for violation.

Repeal of acts
inconsistent
herewith.

SEC. 4. All acts, and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXIX.

An Act in alteration of an Act entitled "An Act to incorporate the Connecticut Medical Society."

Repeal of the
eighth section of
a certain act.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the eighth section of an Act entitled "An Act to incorporate the Connecticut Medical Society," be, and the same is hereby repealed.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXX.

An Act in addition to an Act entitled "An Act for forming and conducting the Military force."

Quarter Master
and Pay Master
Generals may be
removed by the
concurrence of
the Governor and
Senate.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Quarter Master General, the Commissary General, and the Pay Master General, who have been or may be appointed under the ninth, tenth and eleventh sections of the act to which this is an

addition, may be removed from their offices, respectively, by the Senate, upon the recommendation of the Governor.

Approved, June 6, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXI.

An Act in alteration of an Act entitled "an Act for forming and conducting the Military Force."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Quarter Master General shall become bound to the State Treasurer, with sureties, in a bond of ten thousand dollars, in lieu of the twenty thousand dollars now required by the ninth section of the act of which this is an alteration.

Reduction of the
bond of Quarter
Master General.

Approved, June 8, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXII.

An Act in addition to and in alteration of an Act entitled "an Act for forming and conducting the Military Force."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That all officers, musicians and privates, of the militia of this State, who shall hereafter perform military duty in said militia, according to law, for a period of ten years, and who shall, while per-

Ten years of
military service
exempting from
poll-tax.

forming such duty, conduct themselves in an orderly and soldier-like manner, and be armed, equipped and clothed in uniform as provided by law, shall, during such time of service, and ever after, be exempt from the payment of a poll tax.

Commanding officers to keep records, and under oath, &c., to deliver a copy to Town Clerks.

SEC. 2. That the commanding officer of each brigade shall keep a record of the names of the members of his staff, and of the time when they were respectively appointed, and performed military duty. And a similar record shall be kept by each commandant of a regiment of the names of the field and staff officers of his regiment, and whether they have performed military duty in the manner specified in the preceding section. The commanding officer of each and every military company also shall keep an accurate record of the names of such members thereof as shall perform military duty therein, armed, equipped and clothed in the manner specified in the preceding section of this act, and the dates when such duty shall have been performed; and shall, on or before the 20th day of October, in each year, make out and deliver a copy of such record, verified by his oath or affirmation, to the town clerk of the town in which such members of said military companies reside, to be by said clerk kept on file in his office.

Certificates to be produced to Assessors.

SEC. 3. Brigade officers and their staff, claiming the benefit of the first section of this act, shall produce a certificate from the commandant of the brigade to which they are attached, to the assessor or assessors of the town in which they reside, showing that they have performed military duty for the time and in the manner prescribed by said first section. And regimental officers and their staff claiming such benefit, shall produce to such assessors a similar certificate from the commandant of the regiment to which they belong. And members of military companies claiming such benefit, shall produce to such board a similar certificate, showing the facts, from the town clerk of the town in which they reside.

Nominations of persons not present, for commissioned officers.

SEC. 4. That whenever any company shall nominate for commissioned officers thereof, any person or persons not present at the time such nomination may be made, every such person or

persons, shall be entitled to six days time, within which to signify to the officer leading such company to such choice, whether he or they accept or decline such nomination; and in case he or they fail so to do, he or they shall be considered as declining the same.

SEC. 5. That whenever any company, after being twice ordered out for choice of commissioned officers, shall, at the expiration of six days from the second time of their being so ordered out, be destitute of commissioned officers, either in whole or in part, the commandant of the regiment, within the limits of which such company may be located, shall have power to nominate to the commanding officer of the brigade to which such regiment may belong, suitable persons to fill all vacancies then existing among the commissioned officers of said company; and if such nominations shall be approved by the said commanding officer of such brigade, the persons so nominated and approved, shall be commissioned by the Governor, as the officers of such company.

Providing for the appointment of commissioned officers under failure to elect.

SEC. 6. That all acts and parts of acts inconsistent herewith, be, and the same are hereby repealed.

Acts inconsistent herewith, repealed.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXIII.

An Act repealing part of the seventh section of an Act entitled "an Act in addition to an Act, entitled an Act for forming and conducting the Military Force," passed May session, 1839.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That so much of the seventh section of the act entitled "An Act in addition to an Act entitled an Act for

Repeal of a part of the seventh section of a certain act.

forming and conducting the Military Force," passed May session, 1839, as authorizes the use of a field piece in the hands of any military company for any other purpose than company exercise or review, upon permission of a majority of the selectmen of the town in which the same is kept, be, and the same is hereby repealed.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXIV.

An Act in addition to an Act entitled "An Act authorizing the Governor to appoint a Secretary and Notaries Public."

Commissions of
Notaries Public,
when to expire.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That all commissions of Notaries Public, granted prior to the 8th day of May, 1842, shall expire on the twentieth day of June, 1842; any law to the contrary notwithstanding.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXV.

An Act in addition to "An Act relating to Oaths."

Commissioner of
School Fund au-
thorized to ad-
minister oaths.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Commissioner of the School Fund, by virtue of his

office, be, and he is hereby authorized to administer an oath at any place within this State.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXVI.

An Act respecting Orders of Notice.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That in all petitions, and other matters, brought to, or pending before the County Court of any County in this State, any judge of the Supreme Court of Errors, shall have the same power, in vacation, to make Orders of Notice as a judge of the County Court now by law has, or may hereafter have ; and such orders shall have the same effect to all intents and purposes as if made by a judge of the County Court.

A Judge of the Superior Court may make orders of notice in matters pending before the County Courts.

Approved, June 6, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXVII.

An Act concerning the Town of Oxford.

Whereas, by mistake, the town of Oxford neglected to lay a tax for defraying the expenses of said town, and repairing their highways, and also neglected to appoint a collector for the same, at their annual town meeting in the year 1841, but did lay taxes for said purposes, and appoint collectors of the same, on the first Monday of January, 1842,

and appointed the collector of the state and town tax, a constable at said meeting: Therefore

Be it enacted by the Senate and House of Representatives in General Assembly convened, That said taxes laid as aforesaid, and said appointment of collector and constable, be, and the same are hereby ratified and confirmed in the same manner as if the same had been done at the annual town meeting.

Confirming the
laying of Taxes,
&c.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXVIII.

An Act for the growing of Oysters.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That it shall be lawful hereafter for the owner or owners, of any land in this State, wherein there may be salt water creeks or inlets, to dam, gate, or lock the said creek or inlet, for his or their use, for an oyster pond for the growing of oysters therein.

Owners of creeks,
&c., may erect
dams, &c.

SEC. 2. The selectmen on application of the owner of any creek or inlet as aforesaid, shall visit and examine the same, and if in their opinion, the damming said creek or inlet will not injure navigation, or deprive the public of any rights or privileges which they now enjoy, the said selectmen shall mark off or set bounds, where a dam may be built, and report their opinion to any annual or special town meeting of the town wherein said creek or inlet is situated; and if the town meeting shall approve of the opinion of said selectmen, to dam said creek or inlet, then the owner of said creek, or inlet, may construct a dam, gate or lock across said creek or inlet for their use as an oyster pond for the growing of oysters.

Selectmen to
examine,—set
bounds,—and
report to a town
meeting.

SEC. 3. If any person or persons shall commit any injury or damage to the dams or gates of any oyster pond, or shall carry away oysters therefrom in the day time, he shall forfeit and pay to the prosecutor, for each offence, not exceeding seven dollars, or be confined in the County jail or workhouse, not exceeding thirty days; and if any person shall commit damages as aforesaid, in the night season, he shall forfeit and pay twenty-five dollars, or be confined in the county jail or work-house, not exceeding three months.

Penalty for injury and depredation.

SEC. 4. If the owner of any oyster pond in this State, shall plant or lay down oysters in his pond, or cause it to be done, which are the growth of the waters of this State, he shall forfeit and pay to the prosecutor therefor twenty-five dollars, for each offence.

Penalty for planting oysters grown in this State.

SEC. 5. There shall not any thing in this act be so construed as to grant individual rights, which may not be amended or repealed, by the General Assembly.

Act revocable, &c.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXIX.

An Act to promote the Growing of Oysters.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That from and after the first day of March, until the first day of November in each year, no person or persons shall take, gather, or collect, any Oysters or oyster shells, in or upon any of the flats, creeks, banks, rivers, harbors, or waters of this State.— And any person who shall violate this act, shall for each offence, be punished by a fine of not less than seven dollars, nor more than fifty dollars, or by imprisonment in the work-house or common

Time during which oysters shall not be taken.

Penalty.

jail of the County wherein such offence shall be committed, not exceeding twenty days, or by such fine and imprisonment, both, at the discretion of the court having cognizance of the offence.

Jurisdiction of
Justices of the
Peace limited.

Provided, That no justice of the peace, for any such offence, shall inflict a greater punishment than a fine of seven dollars and imprisonment, not exceeding twenty days.

Provision not to
extend to the
owners of oyster
beds.

Provided further, That nothing in this act shall be so construed as to prohibit any person or persons, being the owners thereof, from retaking any Oysters, by him or them laid down or planted, and not in or upon any natural Oyster beds, or places where Oysters naturally grow.

Act not binding
on any town
which shall dis-
sent therefrom.

Provided, Also, that the provisions of this act shall not extend to any town in this State which shall dissent to the same, at a legal meeting of the inhabitants of such town duly warned and holden on or before the first day of November next.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XL.

An Act in addition to an Act entitled "An Act for the support of State Paupers."

Condition under
which towns
shall fail to be
reimbursed.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That, unless some one of the selectmen of any town in this State, shall, at or before the time he gives notice to the Comptroller of Public Accounts, of the necessitous circumstances of any person or persons claimed to be a State pauper, also make oath that he verily believes said person or persons are State paupers, said town shall not be entitled to receive any reim-

bursement for expenses incurred in relieving and supporting any person or persons claimed to be a State pauper, as aforesaid.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XLI.

An Act in alteration of an Act, entitled "An Act for the regulation of Pedlers."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That so much of the act passed in 1841 for the regulation of Pedlers as requires persons who are inhabitants of this State to take out a license, be, and the same is hereby repealed.

Repeal of part
of an Act of
1841.

SEC. 2. Nothing in this act shall be construed to exempt any person, not an inhabitant of this State, from the payment of the tax or license, agreeable to the act passed in 1841.

Non-residents
not exempt from
tax on license.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XLII.

An Act to alter the name of the Probate District of Clinton.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the name of the Probate District of Clinton, be, and

Name of District
changed to Kil-
lingworth.

the same is hereby altered to the name of Killingworth.

Business begun
to be finished in
the District of
Clinton.

Provided, That all matters and business begun or entered in the Court of Probate, for the District of Clinton, shall be completed and finished in the Court of Probate for the District of Killingworth.

Approved, June 1, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XLIII.

Roxbury consti-
tuted a Probate
District.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Roxbury be, and hereby is constituted a Probate District, by the name of the District of Roxbury.

Business begun
in the District of
Woodbury to be
finished therein.

Provided, That all matters and business begun, or entered in the Court of Probate for the District of Woodbury, shall be completed therein, in the same manner as if this act had not been passed.

Approved, June 6, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XLIV.

An Act in addition to an Act, entitled "An Act to aid in the construction of the Housatonic Rail Road."

Commissioners,

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened*, That whenever the Commissioners of the Housatonic Rail Road, appointed under the act of 1839,

shall be required to redeem the notes by them approved, they are hereby authorized to sell undivided equal parts of the property, by law pledged for their redemption, as well as shares of the stock of said Company; and the avails of such sale or sales, as well as the nett income of the business of said road, to apply to the payment of the same.

when required to redeem notes, authorized to sell property and stock.

SEC. 2. The notes of said corporation which said Commissioners are authorized to approve, may be made payable at a rate of interest not exceeding seven per cent.

Interest allowed on notes.

SEC. 3. *Be it further enacted*, That so much of the act, passed at the May Session of the General Assembly, 1839, to which this is an addition, as confers banking privileges on said Company, except so far forth as relates to the notes of said Company, already issued and approved, or that may hereafter be issued and approved, at any time on or before the first Monday in June, 1844, as renewals thereof, be and the same is hereby repealed.

Banking privileges repealed, except to a certain extent.

Nothing in this act contained, shall be so construed as to confer banking privileges on said Company, except as herein above excepted.

Approved, June 6, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XLV.

An Act in addition to an Act, entitled "An Act relating to religious Societies and Congregations."

Whereas, doubts have arisen in the minds of some, whether the Episcopal Societies in this State have been legally organized:

Be it therefore enacted by the Senate and House of Representatives in General Assembly convened, That the acts which have been done by ecclesias-

Acts of Episcopal Societies confirmed.

Wardens and
Vestry-men con-
stituted the Soci-
ety's Committee.

tical societies of this State, organized under the Episcopal order, according to the rules and customs of said societies, shall be good and effectual in law: And that the Wardens and Vestrymen of said societies shall hereafter be a society's committee, and shall have all the powers in managing the affairs of said societies, as are granted to the committees of all religious societies in this State by the statute in such case made and provided.

Approved June 1, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XLVI.

An Act relating to religious societies and Congregations.

Name of Society
changed from
North-Milford to
Orange.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the name of the Ecclesiastical Society of North Milford, in the town of Orange, be, and the same is hereby altered to the name of the Ecclesiastical Society of Orange.

Approved, June 3, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XLVII.

An Act in addition to an Act entitled "An Act for regulating Salaries and fees."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That so much of the eleventh section of the act to which this is an addition, as requires that on each petition to the General Assembly, a fee of three dollars and thirty-four cents be paid for the use of the State, be, and the same is hereby repealed.

Repeal of Act requiring fees on petitions to General Assembly.

SEC. 2. *Be it further enacted,* That this act shall take effect on its passage.

When to take effect.

Approved, June 1, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XLVIII.

An Act in addition to "An Act for regulating Salaries and Fees."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Sheriffs of the several counties in this State shall be entitled to receive, each, from the State treasury, the sum of five dollars a year for distributing laws and public documents in their respective counties.

Compensation to Sheriffs for distributing laws, &c.

Approved, June 8, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER XLIX.

An Act to repeal certain Acts relating to Salaries and Fees.

Act of 1838 and
Act of 1839, re-
lating to fees of
Clerks of Courts
repealed.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That an act passed May Session, 1838, which provides that the fees of the clerks of the several County Courts, shall be the same as those of the clerks of the Superior Courts for like services; and an act, passed May Session, 1839, which provides that the fees of the clerks of the County and Superior Courts, for entering each action which, at the first term of the court, shall be discontinued or withdrawn, shall be fifteen cents, be, and the same are hereby repealed.

Approved, June 7, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER L.

An act in addition to and in alteration of an act concerning Common Schools.

Providing for
Scholars in dis-
tricts where no
School is kept.

School money
may be drawn.

Certificate to be
given by the

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever a school district from inability, or other cause, shall not support a school within the same, and the scholars belonging thereto, shall attend the school of any other district, it shall be lawful for the school society, where the enumeration of the children is made and returned, to receive from the Comptroller of Public Accounts, and to pay to the district or districts where such children actually attend school, the proportion of school monies which are drawn on the children so enumerated, and a certificate from the Committee

of the school district where such children have attended school, that the money is so appropriated, shall be presented to the committee of the school society, to which such children belong, and shall be sufficient evidence that such money has been appropriated according to law.

school district committee.

SEC. 2. That the annual meeting of the several school societies and districts, may be warned and held on such days in the month of September or October, as the committee or clerk in their notice thereof may respectively designate.

Annual meeting of societies and districts.

SEC. 3. That whenever the committee of a school society cannot agree in settling and defining the boundary lines of a school district, in conformity with the provisions of the fifteenth section of said act, said society may appoint three indifferent persons for that purpose, who shall have the same authority therein as is now conferred by said act on the said society committee, and if necessary, define the same by actual survey.

Boundaries of districts how settled.

SEC. 4. A school district shall be holden to pay the wages of such teacher or teachers, as are employed by the committee of such district, in conformity to law.

Districts holden to pay teachers.

SEC. 5. That when the scholars are not properly supplied with books, the committee of the district may (if they deem necessary) provide the same at the expense of the district; and so much of the nineteenth section as requires that the committee shall so provide the same, is hereby repealed.

Books may be supplied, if deemed necessary.

Repeal of the law requiring the committee to provide the same.

SEC. 6. That the twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, and twenty-seventh sections relating to Union districts, and the fortieth, forty-first, and forty-second sections of said act, relating to the Board of Commissioners and Secretary, and so much of the eighth section of said act as requires the School Visitors to make returns to the Board of Commissioners; and so much of said section as provides that the Visiting Committee shall receive one dollar per day for their services, and so much of the twelfth section of said act as provides that no new district shall contain less than forty persons over four, and under sixteen years of age; and so much of the twenty-ninth section as makes it unlawful to pay a teacher more

Repeal of laws relating to union districts — board of commissioners and secretary — certain acts relating to school visitors — minimum of districts, and payment of teachers under certain contingencies.

than two-thirds of the amount due, until a book and abstract shall be lodged with the district clerk, be, and the same are hereby repealed.

Proviso for union districts already formed.

Provided, however, that so much of the act hereby repealed, as relates to union districts shall continue in force, for the regulation of such districts already formed under said act, but not so as to authorize the forming of new union districts hereafter.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER LI.

An Act in addition to an Act entitled "An Act relating to Sheriffs."

Number of deputy sheriffs allowed in Middlesex county.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the number of Deputy Sheriffs, to be appointed for the County of Middlesex, may be as many as nine ; but shall not exceed that number ; any thing in the act to which this is an addition to the contrary notwithstanding.

Approved, June 1, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER LII.

An Act in alteration of an Act entitled "An Act providing for the Election of Sheriffs by the People:" passed May Session, 1838.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That so much of said act as provides that a majority of all the votes given in the counties of this State for the office of sheriff, shall be necessary for the choice of sheriff, be, and the same is hereby repealed; and it is hereby enacted, that the person who shall receive the greatest number of votes for the office of sheriff in any county, shall be declared sheriff of said county, and shall hold and exercise the office of sheriff as provided in the act to which this is an alteration.

Repeal of part of an act of 1839.

Plurality of votes shall elect.

SEC. 2. That the act entitled "an Act in alteration of an Act entitled an Act providing for the election of Sheriffs by the People," passed May, 1839, approved June 5th, 1839, be, and the same is hereby repealed.

Act of 1839 repealed.

SEC. 3. That the votes for sheriff of the respective counties shall be returned, canvassed, and declared in the same manner as is provided by the constitution and laws for returning, canvassing, and declaring the votes for Governor, any laws to the contrary notwithstanding.

Votes how to be returned, &c.

Approved, May 30, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER LIII.

An Act in addition to an Act entitled "An Act providing for the collection of Taxes."

Act of 1832 re-enacted, &c.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the several provisions of an act passed in the year 1832, entitled "an Act in addition to an Act entitled an Act providing for the collection of Taxes," be, and the same are hereby re-enacted and extended to all cases to which the same would be applicable, if said act were now first enacted. *Provided,* That no suit or action, now depending, shall be in any way affected by the provisions of this act.

Approved, May 30, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER LIV.

An Act in addition to an Act entitled "An Act for the Assessment of Taxes."

Application for relief, how and when to be made.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That any, and every person, designing to take the benefit of the fifth section of "an Act in addition to and alteration of an Act entitled an Act for the Assessment of Taxes," shall make application for that purpose to the Board of Relief, as in said section is specified, on or before the fifteenth day of January, and not after.

Approved, June 9, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER LV.

An Act in addition to an Act entitled “An Act for the Assessment of Taxes.”

Be it enacted by the Senate and House of Representatives in General Assembly convened, That in all cases in which the Assessors and Board of Relief in any town were not chosen on or before the first Monday in October, 1841, but were chosen at a meeting legally warned for that purpose, on the first Monday of said October, and holden, by adjournment, at any time previous to the 20th of said October, such choice shall not, for such cause, be considered or adjudged irregular or void, but the same is hereby ratified and confirmed. And all taxes which have been or may hereafter be laid or imposed according to the assessment list made up by said assessors, may, notwithstanding, be levied and collected in the same manner as though said Assessors and Board of Relief had been chosen on the first Monday in October, 1841; any thing in the act to which this is an addition, or any other act or acts, to the contrary notwithstanding. *Provided,* That no suit or action, now pending, shall be in any manner affected by the provisions of this act.

Confirming the choice of Assessors, and boards of relief, in certain cases.

Doings of said assessors confirmed.

Approved, May 30, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER LVI.

An Act for the appointing of Public Weighers.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the electors in the several towns in this State, at their annual meeting for the election of select-

Two public weighers may be chosen at an annual town meeting — who shall be sworn.

Duties of public weighers.

Penalty for neglect, &c.

Regulations to be made at said annual town meeting.

Regulations to be recorded.

men, and other town officers, may, by a major vote, annually appoint two or more persons belonging to said town, to be public weighers, who shall, upon accepting such appointment, be sworn to the faithful performance of the duties thereof.

SEC. 2. It shall be the duty of either of said public weighers, upon being requested thereto by the owner or owners, or persons selling or proposing to sell, any hay, lead, iron, anthracite coal, plaster, or any other heavy, or bulky article of merchandize, usually sold by weight, immediately upon its being brought to him for that purpose, accurately and carefully to weigh the same; and upon being paid his lawful fees, he shall give a certificate under his hand of the weight thereof, to the owner or other person bringing the same to be weighed; and if any public weigher wilfully neglects or refuses to perform any of the duties imposed by this section, (except for the cause specified in the fourth section of this act,) he shall forfeit and pay a fine of five dollars; one half to him who shall sue for and recover the same, and the other half to the treasury of the town.

SEC. 3. The several towns in this State, that may hereafter appoint public weighers, according to the provisions of this act, shall at the same meeting, make such regulations for the locating, constructing, and inspecting of the scales, and other apparatus to be used by such weighers, as they may deem necessary for the public protection and convenience, and shall fix and prescribe such tariff, or rate of fees to be paid to said weighers, as they may deem just and reasonable, not exceeding twelve and a half cents for each load or weighing, to be paid one half by the seller, and the other half by the purchaser; or may, by a major vote of those present, delegate to the selectmen the powers and duties specified in this section; and the regulations and rate of fees so established, shall be recorded in the town records, and shall not be changed during the time for which such weighers are appointed.

SEC. 4. If any public weigher, duly appointed under the provisions of this act, shall give a certificate of the weight of any merchandize in the

selling, buying, or ownership of which he has any interest, direct or remote, he shall, on conviction thereof, forfeit and pay a fine of five dollars, one half to him who shall sue for and prosecute the same to effect, and the other half to the treasury of the town.

Penalty for giving certificate in certain cases.

Approved, June 10, 1842.

CHAUNCEY F. CLEVELAND.

PROPOSED BILL ON TAXATION.

The joint Select Committee, to whom was referred that part of His Excellency's message which relates to Taxation, and to whom was referred the petition of Jonathan Coe, and one hundred and fourteen others, inhabitants of Winchester, and sundry other petitions were referred, beg leave to

REPORT :

That they have examined the same, and are fully satisfied that some change in our laws on the subject of taxation should take place, and recommend the ultimate passage of the accompanying Bill ; but from the importance of the subject would respectfully recommend that the matter be postponed to the next General Assembly, and that this Report and the Bill be published with the laws of the State.

An Act in addition to an Act entitled " An Act for the Assessment of Taxes."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That all property, money at interest, and stocks now taxable by the laws of this State, shall be valued and set in the list of the owner thereof at four per cent.

SEC. 2. *Be it further enacted,* That all laws now in force inconsistent herewith, be, and the same hereby are repealed.

All which is respectfully submitted.

Per order of the Committee,

MARTIN WEBSTER, *Chairman.*

PROPOSED AMENDMENT TO THE CONSTITUTION.

At a General Assembly of the State of Connecticut,
holden at New Haven, on the first Wednesday
of May, in the year of our Lord one thousand
eight hundred and forty-two:—

HOUSE OF REPRESENTATIVES, }
May Session, 1842. }

Resolved, That the following be proposed as an amendment of the Constitution of this State, as a substitute for the second section of the sixth article of the Constitution, and of the amendments of said second section, which proposed amendments, when approved and adopted in the manner prescribed by the Constitution, shall be to all intents and purposes a part thereof—to wit:

Every white male citizen of the United States, who shall have attained the age of twenty-one years; who shall have resided in this State for the term of one year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least six months next preceding the time he may so offer himself; and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

R. S. HINMAN, } *Clerks of the House*
N. J. WILCOXSON, } *of Representatives.*

STATE OF CONNECTICUT, ss. }
SECRETARY'S OFFICE, July 23d, 1842. }

I HEREBY CERTIFY, That I have compared the printed copy of the Acts contained in this pamphlet, with the original Acts, as engrossed and passed by the Legislature, and find the same to be correct.

NOAH A. PHELPS,
Secretary of State.

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PUBLIC ACTS,
PASSED BY THE GENERAL ASSEMBLY
OF THE
STATE OF CONNECTICUT,
OCTOBER, SPECIAL SESSION, 1842.

PUBLISHED, IN CONFORMITY WITH A RESOLUTION OF THE
GENERAL ASSEMBLY, UNDER THE SUPERINTEND-
ENCE OF THE SECRETARY OF STATE.



State of Connecticut, ss. :
OFFICE OF SECRETARY OF STATE, 1843.

HARTFORD.
PRESS OF ELIHU GEER, 26½ STATE STREET.
MDCCCXLIII.

174

THE UNIVERSITY OF CHICAGO
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PUBLIC ACTS.

CHAPTER I.

An Act declaring valid the doings of a town-meeting therein named.

Whereas, the town of Canaan have heretofore designated and determined other places than the sign-posts in said town at which notifications of town meetings in said town should be set up, — and whereas the selectmen of said town omitted to set up, five days before the annual meeting of said town, on the first Monday of October, 1842, a notification of said meeting, at some of the places so designated and determined, but notice of said meeting was in all other respects given according to law, — Therefore,

Preamble.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the appointment of assessors and a board of relief, made by said town of Canaan, at the town-meeting aforesaid, shall not be deemed invalid or void by reason of the omission to set up the notifications aforesaid, but the appointments of said assessors and board of relief, if in other respects conformable to law, are hereby confirmed and declared to be valid.

Election of assessors, &c. in Canaan confirmed.

Approved, Oct. 28, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER II.

An Act in further addition to an Act entitled "An Act in addition to an Act against Fraudulent Conveyances."

Courts of Probate may authorize some person, other than the Trustee, to sell real estate assigned by an insolvent debtor.

Notice of such sale to be published in a newspaper.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whenever a court of probate shall, in the settlement of an estate assigned by an insolvent debtor for the benefit of his or her creditors, under the said act, order the sale of any part of the real estate so assigned, the judge may, on application by the trustee of such estate, authorize another person to sell such real estate, upon such person's first giving bond to such court, with sufficient surety, conditioned that he will faithfully discharge said trust, and pay to such trustee the sum for which such real estate shall be sold: And at any sale made by such person so authorized, the trustee may be purchaser. *Provided,* That whenever an application shall be made to a court of probate, by any trustee, for the appointment of another person to sell any real estate, in pursuance of this act, the said court of probate shall order the said trustee to give notice by advertising in a newspaper or otherwise, as the court of probate shall direct.

Approved, Oct. 28, 1842.

CHAUNCEY F. CLEVELAND.

CHAPTER III.

An Act to divide the State into Districts for the Election of Representatives, for this State, in the Congress of the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,*

That the state be, and hereby is divided into four Districts for the choice of Representatives from this state, in the Congress of the United States ; each District to be entitled to one Representative, as follows:—

Division of the State into four Congressional Districts.

District number one, to consist of the counties of Hartford and Tolland :

District No. 1.

District number two, to consist of the counties of New Haven and Middlesex :

No. 2.

District number three, to consist of the counties of New London and Windham :

No. 3.

District number four, to consist of the counties of Fairfield and Litchfield.

No. 4.

SEC. 2. All existing laws relating to the election of Representatives in Congress, in the several congressional districts as heretofore constituted, (except so far as the same are inconsistent with the provisions of this act,) shall continue in force and be applicable to, and operate upon the respective congressional districts as hereby constituted.

Existing laws, (not inconsistent herewith,) to continue in force.

SEC. 3. The first section of "An Act in alteration of an Act entitled an Act regulating the Election of Senators and Representatives for this State, in the Congress of the United States," passed May Session, 1835, be, and the same is hereby repealed.

First section of a former Act repealed.

Approved, Oct. 28, 1842.

CHAUNCEY F. CLEVELAND.

STATE OF CONNECTICUT, ss. }
SECRETARY'S OFFICE, July 4th, 1843. }

I HEREBY CERTIFY, That I have compared the printed copy of the Acts contained in this pamphlet, with the original Acts, as engrossed and passed by the Legislature, and find the same to be correct.

NOAH A. PHELPS,
Secretary of State.

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OCTOBER, SPECIAL SESSION, 1842.

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PUBLIC ACTS,
PASSED BY THE GENERAL ASSEMBLY
OF THE
STATE OF CONNECTICUT,
MAY SESSION, 1843.

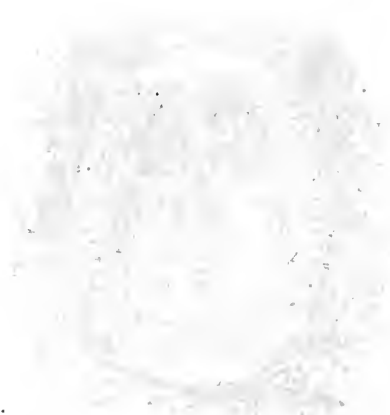
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HARTFORD.
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MDCCCXLIII.

1873



THE
LIBRARY OF THE
CONGRESS

1873

THE LIBRARY OF THE CONGRESS

WASHINGTON

PUBLIC ACTS.

CHAPTER I.

An Act in addition to an Act entitled "An Act for the regulation of Civil Actions."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever in any action brought upon any administration bond, or other bond, with conditions, or where in any action at law, by reason of a plea of set-off, or other special plea therein, it shall become necessary to adjust and settle any matter of account proper to be heard and decided by auditors, the court before which such action shall be pending shall be, and they hereby are authorized and empowered to refer such matters of account to one or more auditors to be appointed by said court, to be by such auditors heard and decided in such manner as said court shall order and direct; and in case any other issue shall be joined in such action, the same shall be heard and decided as is now by law provided.

In actions upon certain bonds, &c., in which pleas of set-off, &c., are made, the matters of account may be referred to auditors.

SEC. 2. In all actions brought against two or more defendants for the recovery of any debt, where the plaintiff lives or resides out of this state, or is a bankrupt, or insolvent, and there shall be mutual debts between such plaintiff and a part only of the defendants in said suit, the said defendant or defendants to whom such plaintiff may be so indebted, shall be entitled to a set-off of such debt against the plaintiff's demand in said suit, in the same manner as though there were no other defendant or defendants therein.

One of two or more defendants entitled to a set-off in certain cases.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER II.

An Act in addition to and in alteration of an Act entitled "An Act to Incorporate the Exchange Bank."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That it shall be lawful for any one person, co-partnership or corporation, to hold directly or indirectly, any number not exceeding five hundred shares of the capital stock of said Bank, at any one time, and to receive the dividends thereon.

Number of shares which may be held.

SEC. 2. *Be it further enacted,* That so much of said act as is inconsistent with the provisions of this act, and so much of the sixth section of said act as requires that not less than four of the directors annually chosen shall be mechanics or manufacturers, be, and the same is hereby repealed.

Repealing parts of the Act of Incorporation.

Approved, May 27, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER III.

An Act in addition to "An Act to Incorporate the Windham County Bank."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the directors of the Windham County Bank be, and they are hereby empowered to reduce the capital stock of said Bank to a sum not less than sixty thousand dollars, (exclusive of what is or may be invested therein by this state, and of such subscriptions as are authorized by the act incorporating

Directors empowered to reduce capital stock.

said Bank,) and to adopt such measures for effecting the same as the interest of the Bank and of the public may require. *Provided*, that such reduction shall in the first instance be effected from the stock owned by said Bank, and that no stockholder shall be required to release his stock in said Bank without his consent. *Provided, also*, that such reduction shall be made and completed on or before the first day of August next, and that the cashier of said Bank shall within ten days after any reduction shall have been made, forward to the Secretary of this State an attested copy of the proceedings of the directors in making such reduction.

Time of such reduction limited.

Notice to be given, when and to whom.

Approved, June 2, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER IV.

An Act relating to Savings Banks and Savings Societies.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened*, That the moneys or funds of the several Savings Banks or Savings Societies in this state, shall not hereafter be invested in the stock of any bank of discount, or in the stocks or bonds of any state, city or other corporation, or in post-notes, except such investment be rendered necessary in order to obtain the payment of a debt previously contracted, and owing to any Savings Bank, or Savings Society, which cannot be otherwise effectually obtained. Nor shall any loan of the moneys or funds of any Savings Bank or Savings Society be hereafter made, unless the same be secured by mortgage of real estate in this state, unincumbered, equal in value to double the amount of the loan secured thereon,

What investments are forbidden.

Loans, how to be secured.

except to an amount not exceeding in the whole ten per cent. of the amount actually on deposit in such Savings Bank or Savings Society, for the time being.

Treasurers, &c.,
when, to whom,
and what state-
ments to make.

SEC. 2. It shall be the duty of the treasurer, secretary or clerk of each Savings Bank or Savings Society, annually, on or before the second Wednesday of May, to transmit to the General Assembly a statement under oath, of the condition of the institution of which he is treasurer, secretary or clerk, on the first day of April, specifying the number of present depositors, the amount of deposits, the amount deposited in the past year, and the amount of deposits withdrawn, the amount and rate of dividends, the balance of profit and loss, the amount of expenses for the year, the amount of interest due and unpaid, the amount loaned on real estate, the amount loaned on stocks and other personal estate, the amount loaned on notes not secured, the amount invested in real estate, and the locality thereof, and the amount invested in stocks, bonds, or other personal estate, specifying the name and quantity thereof; and if the treasurer, secretary or clerk of any Savings Bank or Savings Society shall neglect or refuse to make such statement as aforesaid, he shall forfeit and pay to the Treasurer of the state a sum not less than ten nor more than one hundred dollars, according to the nature and circumstances of the case.

Penalty for neg-
lect, &c.

Approved, June 2, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER V.

An Act in addition to and in alteration of an Act entitled "An Act Incorporating the Borough of Norwalk."

Be it enacted by the Senate and House of Representatives in General Assembly convened;

SEC. 1. The limits of said borough shall be and they hereby are reduced and contracted, and the boundary line thereof shall hereafter be as follows, viz:—commencing at a point on the west side of the north and south highway, six rods northerly of the northwesterly of four corners, said corner being opposite and northerly of the Episcopal Academy in said Norwalk,—thence running westerly, parallel with and at a distance of six rods northerly from the line of the public highway leading from said four corners to the Danbury road, (said line after passing the house of E. H. Street, to vary, if necessary, so as to strike said Danbury road at the southwest corner of the door yard of James Finney;) thence across said Danbury road to a point on the southerly side thereof, six rods from the corner, at the northeast corner of the door yard late of Hezekiah Rogers, deceased; thence southwesterly, parallel with the northerly line of the highway leading from said Danbury road across the fording-place and to the old mill, and six rods distant northwesterly from said line of said highway, to a point on the south line of the garden of the widow Isaac Belden; thence east by the line of said garden on the south line of the door yard of said Belden to the Connecticut turnpike, then east across said turnpike to the south line of the highway leading east from said turnpike, and following the south line of said highway to the northeast corner of the ox-pound, so called, opposite the house of William K. James; thence on a straight line easterly across the harbor to the southwesterly corner of George W. Betts' garden, at the intersection of the highway running east from the down-town road by said garden; thence along the north line of said highway, to a point six rods east from said corner; thence northerly parallel with the north and south highway, at a distance of six rods from the easterly side of said highway, to a point on the south line of the Connecticut turnpike, six rods distance from the northwest corner of the door yard of the residence of the late Hezekiah Jarvis, deceased; thence west on said south line of said turnpike, to said corner of said door-yard; thence in a straight

Limits of Borough.

Proviso.

line to the place of beginning ; and that the inhabitants living within said limits shall be and continue the body politic or corporate created by the name of the Warden, Burgesses and Freemen of the Borough of Norwalk, with all the powers and privileges conferred by the act to which this is in addition ; and that the inhabitants living, and the property lying without said lines herein established, shall no longer belong to or be included in said borough. *Provided*, that the inhabitants and property heretofore included in said borough, and hereby excluded therefrom, be and shall remain liable to pay their and its proportion of all legal claims against said borough, existing at the time of the passage of this act : and said inhabitants and said property shall be liable to be taxed therefor by a vote of said borough ; and said inhabitants may attend and vote in any meetings called for the purpose of levying any such tax : — and the owners of such property and said inhabitants may do any other acts and take part in any other proceedings done or had for the extinguishment of such claims, in the same manner as they might have done if this act had not been passed.

Confirming the
the acts of said
Borough.

SEC. 2. All taxes heretofore levied and collected by said borough are hereby validated, and no suit for the recovery thereof against said borough, or against any officer on account of any proceedings in the collection of the same, shall hereafter be brought or maintained.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER VI.

An Act relative to the duties and powers of the Mayor of the City of Hartford.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the Mayor of the city of Hartford shall hereafter be the chief executive magistrate thereof: Mayor, — his duties, and it shall be his duty to be vigilant and active in causing the laws to be executed and enforced; and he shall be conservator of the peace within said city, and shall have authority with force and strong and powers. hand, when necessary, to suppress all tumults, riots, routs and unlawful assemblies, and to arrest without warrant, and commit to prison for a time not exceeding twenty-four hours, any person or persons who may be detected in revelling, quarrelling, brawling, or otherwise behaving in a disorderly manner, to the disturbance or annoyance of the peaceable inhabitants of said city. He is also empowered to enter any house or building which he has reasonable cause to suspect to be inhabited by persons of ill-fame, or to which persons of dissolute, idle, or disorderly character are suspected to resort. And if any dissolute, disorderly or vagrant persons are found assembled in or about any such house or building, he shall command all such persons immediately to disperse, if in his opinion the good order of any portion of the city require it; and in case of neglect or refusal to obey such command he is hereby authorized to commit without warrant, any person or persons so disobeying to prison, for a term not exceeding twenty-four hours: and he shall have and may exercise within the limits of said city all the powers given to sheriffs or other officers by the fifty-ninth and sixtieth sections of the act entitled "An Act concerning Crimes and Punishments;" and he may at all times, if need be, require the aid of any sheriff, deputy sheriff, town or city constable, or watchman, or any or all of them, together with such other aid as may be necessary. May commit without warrant. And when-

May call out the militia.

ever he shall have reason to believe that great opposition will be made to the execution of his authority, he shall have power to call out the several companies of militia in said city, or any or either of them, and may exert all the force necessary to enable him to execute the laws within the limits of said city.

Penalty for resistance, &c.

SEC. 2. If any person shall hinder, obstruct, resist, or abuse the Mayor in the execution of his office, or when commanded to assist him therein, (being of sufficient age and ability) shall refuse or unreasonably neglect so to do, such offender being thereof duly convicted, shall pay a fine not exceeding one hundred dollars, or shall be imprisoned in the county gaol not exceeding six months, or both, at the discretion of the court having cognizance of the offence.

Pay of militia.
Penalty for disobedience.

SEC. 3. Every commissioned officer and soldier when called into service by the Mayor of said city, in manner aforesaid, shall be entitled to the same pay, and for disobeying the commands of the said Mayor, shall be subject to the same penalty as is provided when called into service by the sheriff of the county, by virtue of the act entitled "An Act relating to Sheriffs."

Approved, May 27, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER VII.

An Act in addition to an Act entitled "An Act regulating the Streets and Buildings in the City of Hartford, and for preserving the Health of the Inhabitants thereof."

Common Council
authorized to lay
out drains, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the Court of Common Council of the city of Hartford shall be, and they hereby are authorized

and empowered to lay out, build and construct, or cause to be laid out, built and constructed, drains and common sewers in any part or portion of said city of Hartford, and to assess the expenses thereof, or such part of said expenses as said Court of Common Council shall deem just and reasonable, upon any person or persons who are or may be, in the opinion of said Court of Common Council, in any manner benefitted thereby.

and assess expenses therefor.

SEC. 2. Whenever said Court of Common Council shall lay out, build and construct, or cause to be laid out, built and constructed, any drain or common sewer as aforesaid, they may adjust and liquidate the expense thereof, and apportion and assess the same, or such part thereof as they shall deem just and reasonable, upon such persons as are or may be, in the opinion of said Court of Common Council, benefitted by said drain or common sewer; and said assessment shall be collected, accounted for, and paid over, in the manner prescribed in the ninth section of the act to which this is an addition;—and for those purposes, the same powers are hereby granted, and the same duties enjoined.

Assessment, how to be collected, &c.

SEC. 3. Said Court of Common Council shall, be, and they hereby are empowered at any time to make such alterations and repairs in any drain or common sewer laid out, built and constructed as aforesaid, as in their opinion shall be proper and necessary, and may adjust and liquidate the expenses thereof, and apportion and assess the same upon individuals, in the same manner as is prescribed in the second section of this act in the case of laying out, building and constructing drains or common sewers; and said assessment shall be collected, accounted for and paid over in the manner prescribed in said second section of this act.

Alterations and repairs of drains, &c. may be made.

SEC. 4. Whenever the Mayor, Aldermen and Common Council of said city shall lay out or alter any highway, street, or public walk in said city, and in the course of the proceedings it shall become necessary to appoint a committee, or call out a jury to assess or re-assess the damages to any person or persons injured or aggrieved, said committee shall

Committee to assess damages on new streets, &c.

consist of freeholders residing in said city, and said jurors shall be drawn from the jury-box of said city.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER VIII.

An Act in addition to an Act entitled "An Act to secure the cities of Hartford and New Haven from damage by Fire, by regulating the mode of building."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the provisions and regulations of the first, fourth, fifth and sixth sections of the act entitled "An Act to secure the cities of Hartford and New Haven from damage by fire, by regulating the mode of building," to which this is an addition, shall embrace and be in force and established in all parts of the city of Hartford embraced within the following limits, to wit;—beginning on the southerly line of the present fire limits on Main street in said city of Hartford, and embracing all the land lying within fifteen rods of the west side of said Main street, as far southerly as the center of Park street, and all the land lying within fifteen rods of the east side of said Main street, as far southerly as the center of Coles street.

Fire limits extended, and defined.

SEC. 2. No barn or stable shall be hereafter erected within the fire limits heretofore, or by this act prescribed in said city, except such as shall have their outer walls entirely composed of brick or stone, and mortar, without the license of the court of common council of said city of Hartford.

Certain barns, &c., not to be erected therein, without a license.

SEC. 3. That the owner or owners, builder or builders of any barn or stable that shall be hereafter erected in said city of Hartford, contrary to the

provisions of this act, shall forfeit and pay to the Treasurer of said city, for the use of said city, the sum of fifty dollars for every such building so erected, and the further sum of five dollars a month for each and every month any such building so erected shall be continued. Penalty for so erecting.

Approved, May 27, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER. IX.

An Act to divide the city of New Haven into Wards for the election of Officers.

Be it enacted by the Senate and House of Representatives in General Assembly convened;

SEC. 1. . That the city of New Haven is hereby and shall hereafter be divided into four wards, as follows, to wit: — so much of said city as lies westerly of and extends westerly from a line passing through the centre of Whitney avenue, and a line through the centre of Church street, from Whitney avenue to Chapel street, and as lies northerly of and extends northerly from a line passing through the center of Chapel street, from Church street to Sherman avenue, and also a line passing through Sherman avenue, westerly to its termination, and thence continued directly to West River, be and remain Ward No. 1: so much of said city as lies southerly of and extends southerly from said last named line, passing through said Chapel street and Sherman avenue to West river, and as lies westerly of and extends westerly from a line passing through the centre of Church street, and a line passing through the center of Meadow street, be and remain Ward No. 2: so much of said city as lies easterly of and extends easterly from said last mentioned line, passing through the centre of

Meadow street, and the centre of Church street, and as lies and extends southerly of and from a line passing through the centre of Chapel street, from Church street to Mill river, be and remain Ward No. 3: so much of said city as lies northerly of and extends northerly from said last mentioned line, through Chapel street, and as lies easterly of and extends easterly from said line before mentioned, passing through the centre of Whitney avenue and Church street to Chapel, be and remain Ward No. 4.

Ward No. 4.

Elections to be held in Wards.

Residence of Voters.

Penalty for illegal voting.

Ward officers, when and how elected.

Votes how given.

Vacancies, how filled.

Places of voting,

SEC. 2. At the annual and other meetings for the election of city officers in said city, the freemen shall vote for officers in the several wards wherein they have statedly resided for the four weeks next preceeding such meeting; residence being for this purpose where the voter has statedly lodged; *provided*, that in no case shall any freeman give his ballot in any ward, whereto he may have temporarily removed for the purpose of voting therein. And if any person shall vote for any city officers, in any ward wherein he is not entitled to vote, he shall forfeit the sum of seventeen dollars to the treasury of the city.

SEC. 3. At the annual election of city officers in said city, there shall be elected one alderman and five common council men in each of said wards, by the voters of each of said wards respectively and exclusively. But votes for all other city officers, now elected by the freemen of said city, may be received from all the freemen of said city, given in their respective wards. And the names of all persons voted for may be on one piece of paper, written or printed. And in case of the vacancy in any office which is filled by the exclusive votes of any ward before the end of the year, the same may be filled by an election to such vacancy, by a plurality vote, for the residue of the official year, by the voters of that ward only.

SEC. 4. The place of voting in Ward No. 1, shall be at the State House, in the City Hall; in Ward No. 2, at some place in said ward westerly of the centre line of Temple street continued, and southerly of the centre line of Crown street; in Ward No. 3. at some place in said ward easterly

of the centre line of State street continued, and southerly of the centre line of Wooster street continued ; in Ward No. 4, at some place in said ward easterly of the centre line of State street continued, and northerly of the centre line of St. John street continued ; said several places of voting in Wards No. 2, 3, and 4, subject to the foregoing restrictions, to be designated by the Court of Common Council of said city, and to be published by direction of the said Court of Common Council, at least six days before the day of election, in one or more newspapers in said city, and also to be inserted in the warnings of the city meeting. And said Court of Common Council shall, from their own number residing in Wards No. 2, 3, and 4, appoint a presiding officer, and a substitute (in case of failure to attend) at the election in each of said Wards. And the members of the Court of Common Council, and such persons as the presiding officer may designate, residing in each ward, and present in the meeting for the choice of officers, shall assist the presiding officer in the business of the meeting, in the receiving, entering, counting and disposing of the votes therein received. The presiding officer in each ward shall order the names of the freemen as they vote, to be enrolled.

to be designated
by the Common
Council.

Presiding officer.

His duties.

Names of voters
to be enrolled.

SEC. 5. The poll for the reception of votes on the day of election, shall be open from 9 o'clock in the forenoon, till 3 o'clock in the afternoon. And immediately after the poll is closed, the votes shall be counted, and a certificate of the true result in each ward, shall be forthwith transmitted under the hand and seal of the presiding officer in each ward, together with the votes received, and list of persons voting, to the presiding officer in Ward No. 1, at the City Hall : which certificate shall be received as evidence of the result in each ward. The persons having the greatest number of votes for the several offices, shall be declared duly elected, as well those for whom all the freemen of the city may vote, as those voted for by the several wards. And in case of an equality of votes, so that any particular officer named be not chosen, the presiding officer in Ward No. 1, shall in presence of

Polls, time of
opening and closing.

Result of election, how and
where transmitted.

In case of equal
votes, office to be
filled by lot.

those assembled, forthwith designate by lot which of those having such equal vote is chosen.

Judges of City Court, how and when elected.

SEC. 6. From the four Aldermen chosen in the several wards as aforesaid, the Court of Common Council shall elect two to be judges of the City Court, within one week after the annual election. And thereupon, said presiding officer shall, on the day of election, immediately declare the result, as above ascertained, in regard to all officers to be chosen at the annual city election. After the closing of the poll for the officers to be chosen, the City meeting at the City Hall in Ward No. 1, where all the freemen of said City may be present and participate, may proceed to transact any other business that may come before them. And said City meeting in Ward No. 1, shall not be adjourned until the ballots are counted, and the result ascertained and declared as aforesaid. From a special election in any one Ward, the result shall be certified to the next Court of Common Council, which shall designate by lot, on any equal vote.

City meeting when and where held.

Powers.

Special Ward elections.

Penalties for illegal voting.

SEC. 7. All penalties for illegal voting in said city meetings now provided, and all laws now existing in relation to said city and its powers and proceedings, not inconsistent herewith, shall not be vacated, or in any way affected by the passage of this act. This act to be a Public Act; provided that this act shall not take effect until the 20th day of June, 1843.

Approved, June 3, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER X.

An Act in addition to an Act entitled "An Act Incorporating the City of Middletown."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,*

That there shall be a Recorder for the city of Middletown, who shall be the Chief Judge of the City Court of said city, and shall perform all the duties of a Judge of said court, instead of the Mayor of said city. And he shall also have and exercise all the other judicial powers and authority now by law appertaining to the office of Mayor of said city, — and said power and authority are hereby transferred from said office of Mayor to said office of Recorder. The Recorder of said city shall be annually chosen by the Court of Common Council, at a meeting specially held for that purpose, after the annual city meeting, and he shall hold his office until another be chosen and sworn; he shall take the oath provided by law to be administered to other judicial officers, and shall receive such compensation as shall be established by by-law of said city. In case said office of Recorder shall at any time become vacant by death or otherwise, said Court of Common Council shall supply such vacancy at a meeting specially warned for that purpose, and the person chosen to supply said vacancy shall hold said office until the next succeeding annual meeting, and until another be chosen and sworn.

Recorder, — his duties and powers.

When chosen.

To be sworn.

Compensation.

Vacancy, how supplied.

SEC. 2. That the Mayor and Aldermen of said city of Middletown shall have, severally, the same power within said city to disperse and apprehend rioters, to keep the peace, and to require sureties therefor, and the same criminal jurisdiction over all crimes and offences whatsoever, committed within the limits of said city, that Justices of the Peace have or may have in the towns where they reside, subject to any appeal that is now, or shall hereafter be allowed from Justices of the Peace in criminal cases. And where said Mayor or Aldermen have jurisdiction, they shall have the same power, severally, that Justices of the Peace have to issue process against the offender or offenders, and a summons and capias for witnesses, and may at all times, if need be, require the aid of any sheriff, deputy sheriff, city sheriff, town or city constable or watchman, or any or all of them, together with such other aid as shall be necessary. And the Mayor, or in his absence the senior Alderman present shall, in all ca-

Mayor and Aldermen, — their duties and powers.

Penalty for resistance of, &c.

ses, have and exercise the same powers and duties which were conferred on the Mayor of the city of New Haven, by an Act passed 1842, entitled "An Act in addition to an Act entitled An Act Incorporating the City of New Haven." And all persons who shall resist, delay or refuse to obey the legal requirements of the Mayor or either of the Aldermen of said city of Middletown, shall be subject to the same penalty as is provided by the last mentioned act for like offences; and every person called into service by the Mayor or acting Mayor, shall be paid as provided by the sixth section of said act.

Grand Jurors, when and how appointed. Their powers, &c.

SEC. 3. The Court of Common Council shall at their next meeting after the passage of this act, and at each annual meeting of said Court thereafter, appoint from the Common Councilmen, by ballot, three grand jurors for the city, who shall be sworn, and who shall have and exercise the same powers and duties within the said city as grand jurors have and exercise within their respective towns. And said grand jurors shall perform the duties of their office until others are chosen and sworn in their stead.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XI.

An Act in addition to an Act entitled "An Act enabling Communities to enforce and defend their Rights."

Conveyances made to Trustees of Shakers, effectual in law.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That all conveyances of property that have been heretofore, or that shall be hereafter made to the trustees of the community in Enfield in this state, called Shakers, or to the trustees of any such

community in said town, and to their successors in office, according to the forms and usages in like cases adopted, shall be good and effectual in law, to convey such property to said trustees and their successors in office, for the uses and purposes in said conveyances mentioned.

SEC. 2. That all conveyances of property that have been heretofore or that shall be hereafter made by the trustees of said community, for the time being, duly executed by them in the manner prescribed by law, shall be good and effectual to convey the property therein described to the purchaser or purchasers thereof, and shall be as obligatory upon said trustees and their successors in office, as similar conveyances are upon the grantors therein named.

Also such conveyances made by said Trustees.

SEC. 3. That all suits in law or equity brought by said community to enforce any legal claim or demand, or to recover the possession of any property to them belonging, may be brought and prosecuted to final judgment and execution in the names of the trustees of said community for the time being: and any legal claim or demand against said community may be in like manner enforced by making said trustees for the time being defendants in such suits; and in case any or all of said trustees during the pendency of any such suit or suits, should die or be removed from office, such suit or suits shall not for that cause abate, but such death or removal being suggested upon the record, said suit or suits may be prosecuted to final judgment and execution by or against their successors in office.

Suits may be brought by and against said Trustees.

Such suit not to be abated by the death or removal of any Trustee during the pendency thereof.

Approved, June 2, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XII.

An Act in addition to "An Act authorizing the Superior Court to grant Divorces."

Powers of
Superior Court
to grant
Divorces
extended.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Superior Court shall have power to grant a divorce to any man or woman lawfully married, for habitual intemperance or intolerable cruelty, according to the provisions and mode of proceeding in the second, third and fourth sections of the Act to which this Act is an addition.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XIII.

An Act in alteration of an Act entitled, "an Act for constituting and regulating Courts, and appointing the times and places of holding the same."

Time of holding
Superior Court
in Fairfield
County.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That in future the Superior Court for the County of Fairfield, shall be holden on the first Tuesday of October, annually, instead of the fourth Tuesday of September; any law to the contrary notwithstanding.

Time of holding
County Courts in
said County.

SEC. 2. That in future the County Court for said County of Fairfield, shall be holden on the second Tuesday of December, annually, instead of the last Tuesday of December; any law to the contrary notwithstanding.

Writs, &c., to be
entered in the
docket.

SEC. 3. That all writs and processes which

have already issued, or which may issue before the first day of July, 1843, made returnable to the said Superior Court on said fourth Tuesday of September next, and also all appeals to said Court which have so been taken, shall be entered in the docket of said Superior Court, and proceeded with in the same manner as if the same were made returnable or taken to said Court so to be holden on the first Tuesday of October aforesaid.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XIV.

An Act in addition to "an Act for constituting and regulating Courts, and for appointing the times and places of holding the same."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That no county commissioner shall be disqualified from performing the duties of his office, in any case, by reason of any relationship he may sustain to either of the parties in such case.

Relationship to parties not to disqualify County Commissioners.

SEC. 2. That whenever, in any case, by reason of the disqualification, refusal, sickness or death of either of the commissioners, such commissioner shall fail to act, then, in such case, the duties of the commission shall be discharged by the other commissioners.

Duties when to be discharged by other commissioners.

SEC. 3. That the oath or affirmation to be taken by the commissioners, and by all persons who may be selected as aforesaid to act as such, before entering upon the duties of their office, shall be as follows: "You solemnly swear, (or affirm, as the case may be,) that you will truly and faithfully, and according to your best skill and judgment, perform the duties of the commission to which you are appointed: *so help you God.*"

Oath required to be taken.

Repeal.

SEC. 4. That all acts or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XV.

An Act in addition to an Act entitled "An Act constituting and regulating Courts, and appointing the times and places for holding the same."

Bozrah constituted a Probate District.

Proviso.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Bozrah be, and hereby is, constituted a Probate District, by the name of the District of Bozrah. *Provided,* however, that all matters or business begun or entered in the Court of Probate for the District of Norwich shall be completed therein in the same manner as if this act had not been passed.

Approved, June 3, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XVI.

An Act in addition to an Act entitled "An Act constituting and regulating Courts, and for appointing the times and places of holding the same."

East Lyme constituted a Probate District.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the

town of East Lyme be, and hereby is constituted a Probate District, by the name of the district of East Lyme. *Provided*, however, That all matters or business begun or entered in the court of Probate for the district of New London shall be completed therein, in the same manner as if this act had not been passed. Proviso.

Approved, June 2, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XVII.

An Act in addition to an Act entitled "An Act for constituting and regulating Courts, and for appointing the times and places of holding the same."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the provisions of the ninth section of the act entitled "An Act in addition to an act entitled An Act for constituting and regulating Courts and for appointing the times and places of holding the same," passed May Session, 1841, relating to the appointment of conservators of lunatics, idiots or distracted persons, shall be extended and apply to all persons who by age, sickness, or from any other cause, shall become incapable of taking care of themselves or managing their affairs.

Provisions of an Act passed 1841, relating to conservators of lunatics, &c., extended.

SEC. 2. *Be it further enacted,* That the settlement of all accounts of conservators appointed by the County Courts, shall hereafter be made before the Court of Probate in the district in which the ward resides, and that all the matters appertaining to conservatives and their wards, heretofore within the jurisdiction of the County Court, shall be done and performed by the respective Courts of Probate in the district where the ward resides.

Conservators' accounts, settlements where to be made.

Cognizance of conservative matters transferred to Courts of Probate

Doings of Courts
of Probate in
certain cases con-
firmed.

SEC. 3. *Be it further enacted*, That all matters and proceedings heretofore had before any Court of Probate in the state, relating to the appointment of conservators, to any persons named in this Act, or settling their accounts, and for the sale of lands, are hereby affirmed and declared valid, in the same manner as if said ninth section of said act had originally been extended in the same manner as the same is extended by this act.

Other acts of said
Courts confirmed.

SEC. 4. *Be it further enacted*, That all settlements of accounts by the Courts of Probate in this state, or resignations accepted by said courts, of conservators appointed by the County Courts, are hereby affirmed and declared valid, in the same manner as if this act had been passed at said May session, 1841.

Repeal.

SEC. 5. *Be it further enacted*, That so much of the act passed this session entitled "An Act in addition to an act relating to Guardians and Minors," as is inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XVIII.

An Act in addition to an Act entitled "an Act for constituting and regulating Courts, and for appointing the times and places of holding the same."

Rocky Hill
constituted a part
of the Probate
District of
Hartford.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Rocky Hill shall be, and constitute a part of the Probate District of Hartford.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XIX.

An Act regulating proceedings in the Court of Probate.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That in all cases, where by law it is made the duty of the Court of Probate to direct notice to be given by advertisement in a public newspaper, such notice may be published in any newspaper printed in the county where said court is holden, or in any adjoining county, as the court may direct.

Publication of
Probate notices.

Approved, June 2, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XX.

An Act in addition to an Act entitled "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That if any married person, his or her lawful wife or husband being alive, shall marry any other person in any other state or country, in violation of the laws thereof, or if any single person shall in any other state or country, in violation of the laws thereof, marry any married person, his or her lawful wife or husband being alive; and if any persons so unlawfully married shall come into this state and here cohabit and live together as man and wife; every person knowingly offending in either of the cases aforesaid, shall be punished by imprisonment in the Connecticut state prison, not less than two years nor more than five years. *Provided,* that such

Persons guilty of
the crime of
Bigamy commit-
ted in other states,
if residing in
this state may be
punished here.

Proviso.

marriage, if it had been contracted within the limits of the state of Connecticut, would have been in violation of the laws thereof.

Approved, June 2, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXI.

An Act in alteration of an Act entitled "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whenever any person under the age of seventeen years shall be convicted by any court in this state, of an offence the punishment of which in whole or in part is or may be imprisonment in the state prison, it shall be discretionary with such court, in lieu thereof, to sentence such convict to imprisonment for the same term in the county jail of the county where such conviction is had.

Discretionary
power of Courts
in sentencing
Juvenile Offend-
ers.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXII.

An Act to confirm Deeds and Bonds.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That all deeds and other conveyances of real estate, and instruments which purport to have been intended

Deeds, &c., and
bonds, executed
without seal,
made valid.

as bonds with or without condition under seal, which have been executed without seal, shall be valid as though the same had been sealed: *Pro-* Proviso.
vided, that this act shall not affect any suit now pending.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXIII.

An Act in addition to an Act entitled "An Act to regulate the election of Senators, and to divide this State into districts for that purpose."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Rocky Hill, in the county of Hartford, shall be and remain a part of the First Senatorial District. Rocky Hill to belong to the First Senatorial District.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXIV.

An Act to punish Illegal Voting.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That if Penalty for Illegal Voting. any person shall vote for Representative, Senator, Sheriff, or Member of Congress, in any town where by law he is not entitled so to vote, the person so

unlawfully voting, shall pay a fine of seventeen dollars to the treasury of the state.

Approved, May 27, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXV.

An Act in addition to an Act regulating Proceedings in Equity.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever any temporary injunction shall be granted to restrain the sale of personal property levied upon by virtue of any writ of execution, the judge or court granting such injunction may order and direct the officer levying such execution, to adjourn such sale for such time or times and in such manner as such judge or court shall deem proper; and the sale of such property shall be by said officer adjourned accordingly.

In cases of temporary injunctions, the sales of personal estate levied upon by execution, to be adjourned.

SEC. 2. When any such injunction has been or shall be granted without such order for adjournment, the officer levying such execution may from time to time whilst such injunction shall be in force, adjourn such sale for such period of time as the circumstances of the case may require; and whilst such sales shall be so adjourned as aforesaid, the lien created by such levy shall be and remain in full force.

The levying officer may adjourn such sales during the continuance of the injunction.

Approved, June 2, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXVI.

An Act in addition to and in alteration of an Act entitled "An Act concerning Fences and Common Fields."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,*

That whenever there is not, or shall not have been a division fence between any two adjoining proprietors, whose lands are otherwise enclosed in severalty; or when, by distribution, sale or otherwise, a particular enclosure shall be divided between two or more proprietors, and either shall desire to have a division fence erected between him and the adjoining proprietor or proprietors, and the parties cannot agree, it shall be lawful for any two of the fence viewers of the town where such land is situated — and if the same is situated in more than one town, then for one fence viewer from each town in which it is situated — to view said dividing line, first giving reasonable notice of the time when they will meet for that purpose, to said proprietors; and if said fence viewers shall deem it reasonable that such fence should be erected at the expense of each of said adjoining proprietors, they shall divide and stake out said line and assign to each his portion thereof, and fix and limit a time within which the fence thereon shall be erected; and it shall be the duty of each proprietor to erect on the portion of said line so set to him, a lawful fence. And if either of said proprietors shall make his portion of said fence, and the other proprietor or proprietors shall neglect to build his or their portion, within the time limited as aforesaid, said fence viewers may build the same, or may authorize or direct the proprietor who has erected his portion, to build the same, and when said fence is so built, by said fence viewers, or by said proprietor, they or he may recover the expense thereof, and the fees of the fence viewers therefor, in an action of debt on this statute.

Division of fences, how to be made.

How made, when the lands are situated in more than one town.

Fence viewers to divide the line, and limit the time for the erection of fences.

On neglect of either proprietor, the Fence viewers may erect the fence, &c.

Remedy against defaulting proprietors.

Division of existing fences;

How made and apportioned.

Award of Fence viewers;

To be in writing and recorded.

How to proceed, when enclosures are to be thrown open to the commons.

Common fields excluded from the provisions of this Act.

SEC. 2. Whenever by sale, distribution, partition or otherwise, a particular enclosure shall be, or has been divided between one or more proprietors, and the parties interested cannot agree respecting a division of the existing fences, it shall be lawful for any owner of any such divided portion of such enclosure, to call out any two of the fence viewers in the town where such fences are situated; and if the same are situated in two towns, one of said fence viewers shall be from each town,—and said fence viewers shall view said lines of division fence, and make such divisions and apportionments thereof as may be necessary to do justice to all the parties, and shall award that such of the parties pay, and such others receive such sums, as in the judgment of such fence viewers shall be just and reasonable, to be recovered in an action of debt. Such award shall be in writing, signed by said fence viewers, describing such division and apportionments, and limiting a time for the payment of the sums awarded, and shall be recorded in the records of the town or towns where such fences are situated. And said apportionments and award shall not be invalid, in consequence of any inaccuracy, if the location of such division, the respective parties and the sums awarded, can be understood.

SEC. 3. It shall not be lawful for any person to throw his or her enclosure open to the commons without the assent of a majority of the fence viewers of the town or towns where the same is situated, in writing first obtained and recorded in said town or towns.

SEC. 4. Nothing herein contained shall extend to enclosures in common fields.

SEC. 5. So much of the Act to which this is in addition and alteration as is inconsistent herewith, is hereby repealed.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXVII.

An Act in addition to an Act entitled "An Act concerning Fences and common Fields."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,*

That in making a worm or crooked rail fence between adjoining proprietors, each proprietor shall be allowed to set one half of the width on each side of the dividing line, upon the land of the adjoining proprietor; *provided* it does not exceed three feet from the dividing line.

Worm fence, how to be set.

Proviso.

SEC. 2. So much of the second section of the act to which this is an addition and alteration as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

Repeal.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXVIII.

An Act in addition to an Act entitled "An Act for encouraging and regulating Fisheries."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That if

any person or persons shall set, use or draw any drift, drag or gill net, or aid or assist therein, in, upon or across any part of the Ousatonic river, below New Milford falls in said river, at any time between the first day of April and the first day of July in each year, such person or persons shall forfeit and pay a fine of fifty dollars to the treasury of the county where the offence shall be committed. And every such drift, drag or gill net so set,

Use of Nets in Ousatonic river, below New Milford falls, when prohibited.

Penalty.

Nets so set to

be deemed nuis-
ances, and may
be destroyed.

used or drawn in said river, contrary to the provis-
ions of this act, shall be deemed a common nuis-
ance, and may be taken, abated or destroyed by
any person or persons as such.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXIX.

An Act extending Process of Foreign Attachment.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever the goods or effects of a debtor are concealed in the hands of his attorney, agent, factor or trustee, so that they cannot be found or come at to be attached, or where debts are due from any person to a debtor, it shall be lawful for any creditor to bring his action against such debtor, and insert in his writ a direction to the officer to leave a true and attested copy thereof, at least fourteen days before the session of the court to which it is returnable, with such debtor's attorney, agent, factor, trustee, or debtor, or at the place of his or their usual abode; and it shall be the duty of the officer serving such writ to leave a copy thereof according to such direction, and from the time of leaving such copy, all the goods and effects in the hands of such attorney, agent, factor, or trustee, and any debt due from such debtor to the defendant, shall be secured in their hands to pay such judgment as the plaintiff shall recover, and may not otherwise be disposed of by such attorney, agent, factor, trustee or debtor.

The concealed effects, &c. of a debtor, subjected to the process of Foreign Attachment.

Copy, how and when to be left.

Goods, &c., thereby secured for payment of judgment.

Manner of proceedings.

SEC. 2. That the proceedings under the above section of this act shall be the same as are prescribed by the act entitled "An Act authorizing the collection of debts by Foreign Attachment," and the several acts in addition thereto and alteration

thereof, and nothing in this act shall be construed to authorize the taking, by virtue of any foreign attachment, any debt under ten dollars which shall have accrued by reason of the personal services or labor of the person to whom the same may be due ; and when the debt due as aforesaid to the debtor in the process of foreign attachment exceeds ten dollars, the excess over that sum only shall be taken.

Debts under ten dollars, accrued for personal services, excepted.

Excess over that sum only, to be taken.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXX.

An Act in addition to the Act entitled "An Act relating to Guardians and Minors."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That it shall be the duty of all guardians of minors to render their accounts against their wards for adjustment, together with the particulars of the estate of such wards, before the Courts of Probate respectively having cognizance thereof, at least once in every year during the continuance of their guardianship: and in case any guardian shall have neglected to render his account and statement as aforesaid, it shall be the duty of said court to make order therefor.

Guardians to render their accounts annually.

Court when to make order therefor.

SEC. 2. *Be it further enacted,* That whenever it shall appear, on the adjustment of the account of any guardian as aforesaid, that there is a balance of the money of the ward in the hands of such guardian, it shall be the duty of the Court of Probate to order such guardian to place the same at interest, in the name of the ward, on good mortgage security of at least double the value of the amount lent on such mortgage, or by deposit in some savings bank in this state, or to lay out the same in

Balances how disposed of and secured.

the nurture, education, or advancement in marriage of such minor, as the Court of Probate shall direct or approve, and to render his account thereof at such time as such court shall prescribe.

Account of sales,
&c., to be made
annually.

SEC. 3. That all persons appointed by the Court of Probate to sell the lands of minors, who have sold the same, shall render to the Court of Probate, once in each year, his or her account against his or her ward, together with the particulars of the fund or property in his or her hands. — And if the person so authorized to sell shall neglect annually to render such account, it shall be the duty of said Court to make an order directing him or her so to render his or her account.

Conservators,
when and where
to report.

SEC. 4. All conservators appointed by the Court of Probate or County Court, shall render annually to the court where they were respectively appointed, his or her account with his or her ward, and of the particular situation of the ward's estate.

Approved, June 2, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXI.

An Act in addition to and alteration of an Act entitled "An Act prescribing the number of Jurymen for each town in this State."

Number of Jury-
men in Westport.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Westport in the county of Fairfield, shall be, and is hereby entitled to select nine Jurymen and no more, in the manner and for the purposes prescribed in the Act regulating Civil Actions; and the town of Fairfield shall be entitled to thirteen Jurymen and no more; any law to the contrary notwithstanding.

Number in Fair-
field.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXII.

An Act in addition to an Act entitled "An Act prescribing the number of Jurymen for each town in this State."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Rocky Hill, in Hartford county, shall be, and is hereby entitled to select six jurymen and no more, in the manner and for the purposes prescribed in the act regulating Civil Actions; and that the town of Wethersfield shall hereafter be entitled to select twelve jurymen, and no more.

Number of Jurymen in Rocky Hill.

Number in Wethersfield.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXIII.

An Act in alteration of an Act entitled "An Act concerning Grand Jurors."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That any three grand jurors of any town may and shall have and exercise all the powers granted to the whole of the grand jurors of any town, by virtue of the sixth section of an act entitled "An Act relating to Grand Jurors."

Three Grand Jurors to constitute a quorum with full powers.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXIV.

An Act in addition to and alteration of sundry Acts for forming and conducting the Military Force.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the provisions of the Act of 1832, to which this is in addition, empowering the Captain General to grant commissions to persons chosen to office in companies organized during the recess of the General Assembly, be extended to officers chosen by any company of militia in this state.

Governor empowered to grant military commissions during recess.

SEC. 2. Returns of officers of military companies chosen during the recess of the General Assembly, shall be made to the Adjutant General; and if within fifteen days there shall be no objections or remonstrance to the same, commissions may be granted as aforesaid.

Returns to be made to the Adjutant General.

SEC. 3. That in case of any remonstrance against granting commissions to officers chosen during the recess of the General Assembly, the same shall be referred to the Major General commanding the division in which the election was held; who, after having first given notice to all persons interested, shall hear and decide in the matter of said choice, and if found to be illegal, order a new election.

Remonstrances to be referred to the Major General.

SEC. 4. That so much of the acts for forming and conducting the Military Force as is inconsistent with the provisions of this act be and the same is hereby repealed.

Repeal.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXV.

An Act relating to the Housatonic Railroad Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,*

That the Housatonic Railroad Company be, and it is hereby authorized, for the purpose of discharging its liabilities, to sell or dispose of all or any part of its surplus and forfeited stock, in such way and at such rates, and on such terms as shall be determined on by the stockholders of said Company, at a special meeting to be called for that purpose by the board of directors, notice of which meeting signed by the secretary, shall be given by publication thereof, at least ten days inclusive, before the day of holding such meeting, in the newspapers published in Bridgeport and Litchfield. *Provided,* That no part of said surplus and forfeited stock shall be sold at a less rate than fifty dollars per share, and that the amount of such sales shall be sufficient to redeem the whole amount of notes outstanding against said company, certified by the commissioners on said road: and that the avails of such sales shall be placed in the hands of said commissioners, and be by them applied to the redemption of such certified paper; and *provided further,* that such sale shall be made and completed on or before the first day of September next.

Company authorized to sell forfeited stock, &c.

Proviso.

SEC. 2. *And be it further enacted,* That the purchasers of so much of said surplus and forfeited stock as shall be sold in pursuance of this act, shall be entitled to a dividend of three and a half per cent. annually, payable in semi-annual dividends out of the net earnings of said road before any dividend shall be declared or paid to the other stockholders of said company.

Rate of dividend allowed to purchasers.

SEC. 3. *Be it further enacted,* That in case said stock of said Company is not disposed of prior to said first day of September, as herein before pro-

Commissioners,
how and when to
sell the property
of the Company.

Avails, how to be
applied.

Company how or-
ganized, in event
of a sale.

Capital stock.

Banking powers
of said Company
revoked.

vided, and said Company, shall not at that time have redeemed the entire amount of certified paper issued by said Company, or provided for the same to the satisfaction of the holders thereof, it shall be the duty of the commissioners on said road, to sell for cash on or before the first day of December next, the whole of the property vested in them for the redemption of said certified paper, or so much thereof as shall be necessary to redeem the same, agreeably to the provisions of the acts now in force relating to said Housatonic Railroad Company, and shall forthwith apply the avails to the redemption of said paper.

SEC. 4. *And be it further enacted,* That in the event of a sale of the property of said company, or any part thereof, by the commissioners, by virtue of the provision of the act, entitled "An act to aid in the construction of the Housatonic Railroad," and the act in addition thereto, the purchasers thereof shall have the right to organize a company according to the provisions of a statute law of this state, entitled "An act relating to Joint Stock Corporations," entitled to all the privileges and subject to all the liabilities specified in said act. The capital stock of said Company may consist of any number of shares of one hundred dollars each, not exceeding the capital stock of the Housatonic Railroad Company.

SEC. 5. *Be it further enacted,* That so much of the act passed May, 1839, or of any other act, as authorizes said Housatonic Railroad Company to issue notes payable on demand, intended for circulation, or to utter, issue, or emit any bill of credit, or make or endorse any bond, promissory writing or note, bill of exchange, or order to be issued as a general currency or medium of trade, as in lieu of money, be and the same is hereby repealed; and this act may at any time be altered, amended or repealed by the General Assembly.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXVI.

An Act in addition to an Act entitled "An Act to aid in the construction of the Housatonic Railroad."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,*

That the commissioners appointed upon said road, pursuant to the act to which this is in addition, shall, before entering upon the duties of their appointment, give bond to the Treasurer of this State in the sum of forty thousand dollars, with one or more sufficient sureties, conditioned for the faithful discharge of their duties as commissioners as aforesaid, which said bond shall be approved by one of the Judges of the superior court, before the same shall be effectual; and a failure to give such bond within thirty days after the rising of this Assembly shall be deemed a refusal to accept said appointment.

Bond to be given by Commissioners, and accepted by a Judge of the Superior Court.

On failure, office to become vacant.

SEC. 2. Before said bond shall be approved by such judge, five days notice shall be given to the president of said corporation to appear before said judge at such time and place as shall be designated, to be heard relative to the sufficiency of the proposed sureties on such bond.

Notice to be given before approval.

SEC. 3. In case of a breach of said bond, suit may be brought in the name of such Treasurer, in any county where either of the obligors reside, for the benefit of all persons interested in the subject matter thereof.

Provision for breach of bond.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXVII.

An Act in addition to an Act relating to Common Schools.

On division of a School District, the property thereof how divided.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whenever any school district shall be divided according to the provisions of the 13th section of "An Act relating to Common Schools," and the only or principal property of said district shall consist of a school house and real estate therewith connected, which cannot be divided between the several parts of such district without great inconvenience, the committee of the school society, instead of dividing such school house and real estate, shall set such school house to one part, and award that the other part or parts shall receive from the part to which such school house and real estate is set, such sum of money as shall in the judgment of such committee be just and right; and such award shall be binding upon the several parts of such district.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXVIII.

An Act in addition to and in alteration of an Act entitled "An Act relating to the office and duty of the Secretary of the State."

Laws of the State, how to be published in Newspapers.

Be it enacted by the Senate and House of Representatives in General Assembly convened, No publication of the laws of the state, by the publisher of any newspaper, shall be deemed a compliance with the second section of the act to which this is in addition and in alteration, unless the said laws are published in the columns of said newspaper, in

the regular edition thereof, and in every number of the edition in which said laws or any of them are published, and in the usual type in which the reading matter of such paper is printed; and that one copy of each number or paper so printed shall be transmitted to the Secretary of this State.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XXXIX.

An Act in addition to an Act relating to Religious Societies and Congregations.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That Jews who may desire to unite and form religious societies, shall have the same rights, powers and privileges which are given to Christians of every denomination by the act to which this is in addition, and the several acts in addition thereto and alteration thereof.

Society privileges
extended to
Jews.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XL.

An Act in addition to an Act entitled "An Act relating to Religious Societies, and Congregations.

Whereas, Doubts have arisen in the minds of

some whether the Methodist Episcopal Societies in this state have been legally organized :

Doings of Methodist Societies made valid.

Be it therefore enacted by the Senate and House of Representatives in General Assembly convened, That the acts which have been done by ecclesiastical societies of this state, organized under the Methodist Episcopal order, or under the Protestant Methodist order, according to the rules and discipline of said societies, shall be good and effectual in law, as the acts of societies legally organized under the act to which this is in addition.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XLI.

An Act in addition to an Act entitled "An Act for the assessment of Taxes."

Cashiers, &c. when and how to notify assessors of taxable stock, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the cashiers of the several banks and the secretaries and clerks of the several insurance and turnpike companies established in this state shall, by the twelfth day of October, annually, inform by mail or otherwise, the assessor or assessors of every town in this state, where the stock in such bank or company may by law be liable to be taxed, the amount of such stock liable to be taxed in such town, with the amount of such stock set to the name of each owner or owners thereof on the books of such bank, or insurance or turnpike company, so far as the residence of such owner or owners may be known to said cashier, secretary or clerk, on the first Monday of October, annually ; and if any cashier, secretary or clerk, shall neglect or refuse to furnish such information, he shall forfeit and pay to the treasurer of each town where said

stock is liable to be taxed, whose assessor or assessors shall not be so informed, the sum of fifty dollars, to be recovered in an action of debt in the name of the town treasurer: *Provided*, that putting a letter into the post-office containing such information, addressed to the assesessor or assessors of any town where such owner or owners reside, shall be deemed to be a compliance with the provisions of this section.

Penalty for neglect or refusal.

Proviso.

SEC. 2. That if any owner or owners of any share or shares of the capital stock of any bank in this state, shall transfer such share or shares to any other person or persons, with the intent of evading the provisions of the act to which this is an addition, such owner or owners shall forfeit and pay to the treasurer of the town in which he, she or they reside, a sum equal to one per cent. of the rateable value of the share or shares of stock so transferred, to be recovered in an action of debt on this statute, before any court proper to try the same.

Penalty for evasive transfer of stock.

SEC. 3. So much of the act to which this is an addition as is inconsistent with the provisions of this act is hereby repealed; *Provided*, that this act shall not affect any penalty already incurred, or any suit or action now pending.

Repeal.

Approved, June 3, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XLII.

An Act confirming the doings of the Assessors and Board of Relief, in certain cases

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the several provisions of the act passed in 1833 entitled "An Act in addition to an Act entitled An Act providing for the collection of Taxes," be, and the

Reviving an Act of 1833, and extending its provisions.

same are hereby re-enacted and extended to all cases to which the same would be applicable, if said act were now for the first time enacted: *Provided*, That no claim which is the subject of any suit or action now pending, shall be in any manner affected by the provisions of this act.

Approved, June 2, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XLIII.

An Act in alteration of an Act entitled "An Act for the assessment of Taxes."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened*, That so much of the second section of the act of which this is an alteration, as provides that the polls of all white male persons from twenty one to seventy years of age, shall be set in the list at twenty dollars each, be, and the same hereby is repealed.

Repeal.

Polls, how to be set in the list.

SEC. 2. That the polls of all white male persons from twenty-one to seventy years of age, shall be set in the list at ten dollars each.

Approved, June 7, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XLIV.

An Act to make valid the doings of a Town meeting therein named.

Whereas, the town of Berlin, at the annual meeting of said town, on the first Monday of October, A. D., 1842, did choose and appoint the usual number of selectmen for said town, for the year then next ensuing, viz: Edwin Barnes, Elijah Hart and Benjamin Wilcox, Esquires, — and whereas the said Edwin Barnes has removed from said town, and it has pleased Providence to remove the said Benjamin Wilcox by death, leaving but one selectman for said town, to wit — the said Elijah Hart, — and whereas, at a meeting warned by the said Elijah Hart, then sole selectman for said town of Berlin, warned in all other respects according to the requirements of law, and holden at the usual place of holding said meetings in said town, on the 22d day of May, 1843, Samuel Hart, 2d, and Shubael Risley were chosen and appointed by a majority of the electors present at said meeting, selectmen to fill the said vacancies until the next annual meeting of said town, — now, therefore, —

Preamble.

Be it enacted by the Senate and House of Representatives in General Assembly convened: That none of the doings of the said meeting of the said town of Berlin, so warned and holden at said Berlin on the 22d day of May, A. D. 1843, relative to the choosing and appointing said two selectmen, shall be deemed invalid because the said meeting was warned by one selectman, but such meeting, and all their doings, if in other respects regular and conformable to law, shall and are hereby declared to be valid, and the said selectmen duly chosen and appointed.

Doings of town-meeting in Berlin made valid.

Approved, June 6, 1843.

CHAUNCEY F. CLEVELAND.

CHAPTER XLV.

An Act in addition to an Act entitled "An Act accepting the Deposit of a portion of the surplus Funds belonging to the United States, providing for the safe-keeping thereof, and appropriating the Interest accruing therefrom for the promotion of Education and other purposes."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the treasurers of the several towns in this state be, and they are hereby authorized, upon the receipt in full of the principal and interest of any loan of any part of the town deposit fund, with the assent of the managers of said fund for such town, to execute an assignment of any security held for such loan, and convey to such assignee the legal title to the premises mortgaged to secure the payment of such loan.

Town Treasurers authorized to assign mortgages in certain cases.

Approved, June 2, 1843.

CHAUNCEY F. CLEVELAND.

PROPOSED AMENDMENT OF THE CONSTITUTION.

At a General Assembly of the State of Connecticut, holden at Hartford on the first Wednesday of May, in the year of our Lord one thousand eight hundred and forty-three:

Resolved, That the following be proposed as an amendment of the Constitution of this State, as a substitute for the second section of the sixth article of the Constitution, and of the amendments of said second section; which proposed amendment when approved and adopted in the manner prescribed by the Constitution, shall be to all intents and purposes a part, thereof, to wit:

Every white male citizen of the United States, who shall have attained the age of twenty-one years, who shall have resided in this state for the term of one year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least four months next preceding the time he may so offer himself, and shall sustain a good moral character, shall on his taking such oath as may be prescribed by law, be an elector.

Resolved, The foregoing proposed amendment to the Constitution of this State be continued to the next session of the General Assembly to be held at New Haven on the first Wednesday of May next, and be published with the laws of this State passed at the present session.

CHARLES W. BRADLEY,
Clerk of the House of Representatives.


THOMAS COWLES,
Assistant Clerk.

STATE OF CONNECTICUT, ss. }
SECRETARY'S OFFICE, July 4th, 1843. }

I HEREBY CERTIFY, That I have compared the printed copy of the Acts contained in this pamphlet, with the original Acts, as engrossed and passed by the Legislature, and find the same to be correct.

NOAH A. PHELPS,
Secretary of State.

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PUBLIC ACTS,
PASSED BY THE GENERAL ASSEMBLY
OF THE
STATE OF CONNECTICUT,
MAY SESSION, 1844.

PUBLISHED IN CONFORMITY WITH A RESOLUTION OF THE
GENERAL ASSEMBLY, UNDER THE SUPERINTEN-
DENCE OF THE SECRETARY OF STATE.



STATE OF CONNECTICUT, SS. :
OFFICE OF THE SECRETARY OF STATE, JUNE, 1844.

NEW HAVEN :

Printed by Babcock & Wildman, (Palladium Office.)

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PUBLIC ACTS.

CHAPTER I.

An Act in addition to an Act entitled "An Act concerning Banks."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That in case any person or persons, on request of the bank commissioners, shall refuse to comply with any of the provisions of the twelfth section of the act to which this is an addition, the bank commissioners may apply to either judge of the Superior Court or to the judge of the County Court in the county in which such bank is located or has its banking-house, who shall thereupon cause such person to come before him, and shall inquire into the facts set forth in such application, and may thereupon, for any sufficient reason shown to said judge, cause such person to be imprisoned in the common jail in said county, until he shall comply with the provisions of said twelfth section of said Act: but it shall not be in the power of the bank commissioners, for any such refusal, to suspend the operation of any bank.

Bank Commissioners authorized to apply to a judge of the Superior or County Courts, for relief in certain cases.

Penalty for a refusal to comply with the provisions of the 12th section.

SEC. 2. The bank commissioners shall not disclose the names of the debtors of any monied corporation examined by them, nor impart any information obtained by them in the course of such examination, excepting so far as may become necessary in the performance of their duties.

Commissioners not to disclose the names of debtors.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this Act, shall be, and the same are hereby repealed.

Repealing acts inconsistent herewith.

Approved, June 6, 1844.

CHAPTER II.

An Act in addition to and alteration of an Act
to Incorporate the Fairfield County Bank.

Abolishing the Branch Bank. SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the tenth and eleventh sections of said Act, be, and the same are hereby repealed, and the Branch of said Bank is abolished.

Incorporating Danbury Bank. SEC. 2. That the stockholders of the Danbury Bank, their successors and assigns, shall be and remain a corporation and body politic, by the name of *The President, Directors and Company of the Danbury Bank*, to be located in and to transact their business at Danbury, in Fairfield county; and by that name shall be and hereby are made capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts; and the said corporation and the officers and stockholders thereof shall have the same powers, rights and privileges conferred on said Fairfield County Bank by said Act to which this is in addition, which are not inconsistent with the laws of this state, and shall be subject to the same restrictions, limitations and duties as are imposed by said Act, excepting as is herein otherwise provided for.

Capital stock, when and by whom distributed. SEC. 3. That the capital stock of said Danbury Bank shall consist of one moiety of the capital stock of said Fairfield County Bank, and the same shall be divided, assigned and distributed to said Danbury Bank, on or before the first Monday of July next, by one of the bank commissioners of this state and two disinterested persons to be selected by the directors of said banks. The residue of the stock of the said Fairfield County Bank shall be and remain the stock of the Fairfield County Bank; and the proprietors of shares so to be assigned shall be the stockholders of said Danbury Bank. The affairs of said Danbury Bank shall be managed by not more than seven nor less than five directors, to be chosen by the

stockholders in general meeting, not less than four of whom shall be residents in said Danbury; and the first meeting of the stockholders for the choice of directors shall be holden at the banking-house, in Danbury, on the first Monday of July next. The directors chosen at said meeting shall continue in office until the second Tuesday of June, 1845, and the annual meetings of the stockholders shall ever after be holden on the second Tuesday of June, in each year, and notice thereof shall be published in a newspaper printed in Danbury, or elsewhere in the county of Fairfield, and in such other manner as the directors may order.

Directors, when chosen.

SEC. 4. All the estate, property, rights of property, moneys and assets whatsoever, belonging to the Fairfield County Bank, on the first Monday of July next, shall be equally divided between said two banks: the one moiety thereof to the Fairfield County Bank, and the other moiety to said Danbury Bank, by the directors of said two banks; and in case said directors cannot agree in making such division, then the same shall be made by one of the bank commissioners of this state, and two disinterested persons to be selected by said directors.

Fairfield County Bank, assets thereof when to be divided.

SEC. 5. All the bills, notes, demands and liabilities whatsoever of the Fairfield County Bank, owing or outstanding on said first Monday of July next, shall thereafter be paid on demand, by either of said banks, at their place of doing business, where the same shall be presented for payment: and said banks are hereby made jointly and severally liable in any proper action for the recovery of such demands; and when so paid, the same shall not be put in circulation or re-issued upon any pretence whatever, but the same shall be cancelled or destroyed by the two boards of directors; and said banks shall respectively account each with the other of them, relative to and of and concerning all payments to be made by either of them, in pursuance of the provisions hereof; and in thus accounting, each of them shall be liable for one half of all payments so made. This act shall take effect on the first Monday of July next.

Bills, notes, &c. when and where paid.

Act revocable,
&c.

SEC. 6. This Act, and every part thereof may at any time be altered, amended or repealed by the General Assembly.

Approved, May 31, 1844.

CHAPTER III.

An Act in alteration of an Act incorporating the Whaling Bank.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That any person may hold of the capital stock of the Whaling Bank actually paid in, an amount not exceeding ten thousand dollars; and so much of the third section of an Act incorporating the Whaling Bank as limits the amount which any person may hold to five thousand dollars, be, and the same is hereby repealed.

Amount of stock which may be held.

Repealing a portion of the Act of Incorporation.

Approved, June 7, 1844.

CHAPTER IV.

An act concerning Banks.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That so much of the fourth section of an Act entitled "An Act in addition to and in alteration of sundry Acts relating to Banks" passed May session, 1842, as provides that the stock in the banks of this state shall not be voted on by proxy, be, and the same is hereby repealed.

Repealing the prohibition of Act of 1842, relating to votes on stock given by proxy.

Approved June 6, 1844.

CHAPTER V.

An Act to repeal an Act entitled "An Act to Divide the City of New Haven into Wards for the Election of Officers."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Act entitled "An Act to Divide the City of New Haven into Wards, for the Election of Officers," passed at the session of the General Assembly in May, 1843, be, and the same is hereby repealed. Act of 1843 repealed.

This Act shall take effect from the day of its passage.

Approved, May 9, 1844.

CHAPTER VI.

An Act relative to the City of New Haven.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That from and after the first day of September, A. D. 1844, the fire limits of said city shall include all the land within the following boundary, and also a strip of land one hundred and fifty feet wide, without and beyond said boundary, in all its parts, including the corners in the various angles of the same, to wit: beginning near the residence of the late Gilbert Totten, at the north west corner of Water and Meadow streets, and thence running up the westerly side of said Meadow street to the southerly side of George street; thence up the southerly line of George street to westerly line of York street; thence by the westerly line of York street to the northerly line of Grove street; thence by the northerly line of Grove street to the westerly line of State street; Fire limits extended.

thence by the westerly line of Hancock avenue to the easterly line of Olive street extended; thence to the northerly line of Green street, where it is intersected by the easterly line extended of the street east of Wooster Square; thence by the easterly line of said last described street to the southerly line of Chapel street; thence by the southerly side of Chapel street to the easterly side of Brewery street; thence by the easterly side of Brewery street to the northerly side of Water street; thence to the outside of the pier, or end of Union Wharf, and thence to the place of beginning. *Provided*, that nothing in this section contained shall be so construed as to prevent or interfere with any contract now existing.

SEC. 2. All the provisions of the several Acts relating to buildings within the present fire limits of said city shall extend and be in full force throughout the fire limits herein established, excepting that portion of said fire limits specially excepted by "An Act in addition to an Act to secure the city of New Haven from Fire," approved May 25, 1839.

Provisions of several Acts extended to, and in force throughout the fire limits herein established.

SEC. 3. From and after the first day of July, 1844, no building situated within the fire limits of said city shall be used or occupied for either of the following purposes, viz: coach, carriage or waggon-maker's shop, joiner's or carpenter's shop, sash or blind factory, clock-maker's shop or factory, cabinet maker's shop, chair maker's shop, blacksmith's shop, brass or iron foundry, bakery, pottery,—for planing, sawing or turning by machinery,—tallow chandler's or soap-boiler's shop,—without permission first obtained from the common council of said city, unless such building shall have been used for the same purpose before said first day of July, 1844. And each and every person who shall violate either of the provisions of this section, shall forfeit and pay to the treasurer of said city, a penalty not less than one hundred dollars nor more than one thousand dollars, according to the nature and aggravation of the offence.

SEC. 4. No building shall hereafter be erected within the fire limits of said city which shall be in any way attached to or connected with (either

Common Council may permit buildings to be used for certain specified purposes.

Erection of buildings restricted.

by doorway, platform, shed or otherwise) any other building having therein a chimney, fireplace or stove, unless the outer walls of such first named building shall be composed entirely of brick and mortar or stone and mortar. And each and every person who shall violate either of the provisions of this section, shall forfeit and pay to the treasurer of said city a penalty not less than one hundred dollars nor more than one thousand dollars, according to the nature and aggravation of the offence.

SEC. 5. The Court of Common Council of said city may authorize the alteration by taking down, rebuilding or changing the chimnies therein, (or in such other way as they may deem proper,) of any building in said city, and may also authorize the removal of any building within said city to such place as they shall designate. And each and every person who shall remove any building through any street in said city, or who shall procure or cause such removal, or shall aid or assist therein, without permission first obtained from said common council, shall severally forfeit and pay to the treasurer of said city a penalty not less than twenty dollars, nor more than one hundred dollars, and also a further penalty of ten dollars for every day he or they shall permit such building to remain in any street in said city, without license, as aforesaid.

Common Council may authorize the removal of any building, &c.

SEC. 6. Whenever the number of common councilmen of said city shall exceed twelve, the Court of Common Council thereof, at their first meeting after each annual city meeting, may determine the number of members (not less than seven) which shall constitute a quorum for the transaction of business.

Number to constitute a quorum.

SEC. 7. Whenever the proprietor or proprietors of any premises in said city shall neglect to raise, level and grade, or to pave or flag any sidewalk, in such manner and within such time as the common council of said city shall prescribe, the said common council may employ some person or persons to do the same, and may ascertain and adjust the expense and assess the same to such proprietor or proprietors. The collector of taxes for said city shall have full power

May employ persons to pave or flag sidewalks, &c., and assess expense.

Amount assessed, a lien upon the premises.

Warrant to issue.

Hacks, &c. licensed.

to collect the assessments thus made, from the proprietors respectively,—to be paid within the time limited by said common council, in the same manner as is by law prescribed for the collection of taxes of this state. All amounts thus assessed, and also all sums apportioned and assessed by said common council, to any proprietor or proprietors for building any gutter in front of any premises in said city, shall be a lien respectively upon the premises upon or in front of which such gutter or pavement may be situated. The mayor or one of the aldermen of said city shall issue his warrant directed to said collector, setting forth the name or names of the person or persons against whom such assessment may be made, either for pavement or gutter, and the amount assessed to each; directing said collector to collect such assessments respectively, from the goods and chattels of such person or persons, and for want thereof, from the sale of said premises upon which such assessments may be a lien, as aforesaid, and the title thus conveyed by said collector shall be good and valid in law.

SEC. 8. The mayor and aldermen of said city shall constitute a board for the licensing and regulating of hacks, carriages and other vehicles for the conveyance of passengers, for hire, in said city, and also for the drivers thereof; and the regulations of said board, not inconsistent with the laws of this state, when recorded upon the records of the common council of said city by the city clerk, (who shall be the clerk of said board,) and published once or more in each of two successive weeks, in a newspaper printed in said city, shall have the force of laws of this state; and such regulations and the said publication thereof may be proved in all courts by a copy, certified by said clerk, of said record, and of the certificate of such publication entered by said clerk on said record. Each and every owner or driver of any hack, carriage, or other vehicle used for the conveyance of passengers for hire in said city, without such license, and each and every person who shall violate any provision of any regulation so made, recorded and published as aforesaid, shall severally forfeit and pay to

the treasurer of said city a penalty of twenty dollars.

SEC. 9. This Act shall not take effect until approved in a legal meeting of said city, the warning for which shall specify such purpose; and each section shall be acted upon separately and shall be in force or not, as the same may be approved or rejected by such meeting, and shall take effect as soon as thus approved, or such parts thereof as shall be thus approved. Act when to take effect.

Approved, June 4, 1844.

CHAPTER VII.

An Act in addition to and in alteration and amendment of the Charter and of the several Acts in relation to the City of Hartford.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Court of Common Council of the city of Hartford shall have power to make by-laws relative to the regulation of public hacks and coaches in said city, in the same manner and under the same restrictions and limitations as by the charter of said city the by-laws specified therein are authorized to be made. Empowering Common Council to make certain by-laws.

Approved, June 6, 1844.

CHAPTER VIII.

An Act in addition to and alteration of an Act entitled "An Act altering the limits of the City of Bridgeport."

Preamble.

Whereas, in pursuance of the second section of the Act aforesaid, the County Court for the county of Fairfield, at the term of said court held at Danbury, on the second Tuesday of August, 1839, on the application of the common council of the city of Bridgeport, liquidated and ascertained the sum to be paid by the inhabitants residing in the part of said city set off by the Act aforesaid, to which this is in addition, as their proportion of the liabilities of said city; and whereas, the selectmen of the town of Bridgeport have omitted to assess the sums to be paid by said inhabitants upon their polls and rateable estate, according to the provisions of the Act aforesaid; and whereas, doubts have arisen in consequence of said omission whether the provisions of said Act setting off said part can now be carried into full effect:

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever the mayor, aldermen, common council and freemen of the city of Bridgeport shall lay a tax according to the provisions of the by-laws of said city, to pay any portion of the liabilities of said city which were liquidated by the County Court as aforesaid, it shall be the duty of the selectmen of the town of Bridgeport, for the time being, or a majority of them, within thirty days after the laying of such tax, to assess upon the polls and rateable estate of the inhabitants residing in the part set off from said city as aforesaid, according to the assessment list of said town last perfected, before such assessment shall be made, a sum bearing the same proportion to the amount of said tax as the amount of the liabilities (which, according to the decision of said court, it was the duty of the inhabitants of the

Select men to
make assess-
ment.

part so set off to pay) bears to the remaining portion of the liabilities aforesaid. And so from time to time, when said city of Bridgeport shall have laid taxes for the purpose aforesaid, it shall be the duty of the selectmen of said town, for the time being, to make assessments as aforesaid, until the whole of said liabilities, with the interest, shall have been provided for.

SEC. 2. That it shall be the duty of said selectmen, or a majority of them, to make out rate-bills of the assessments aforesaid, under their hand, and cause a warrant to be issued for the collection thereof, signed by a justice of the peace and directed to the collector for the time being, of the city of Bridgeport, who shall proceed with and collect the same, and pay the amount so collected over to the treasurer of said city, in the same manner as though said tax had been laid by said city.

Select men to make out rate-bills, and cause a warrant to be issued, &c.

SEC. 3. That so much of the Act aforesaid, to which this is in addition, as is inconsistent with the provisions of this Act, be, and the same is hereby repealed.

Act inconsistent herewith, repealed.

Approved, June 7, 1844.

CHAPTER IX.

An Act in addition to an Act entitled "An Act for the regulation of Civil Actions."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That no justice of the peace shall have jurisdiction of any civil action in which he shall have drawn the writ or declaration himself: *Provided,* That this Act shall not be in force until the first day of September, 1844, and shall not affect any suit then pending.

Justices of the Peace, when disqualified to act.

Proviso.

Approved, June 6, 1844,

CHAPTER X.

An Act concerning Courts.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,*

Appealable cases how removed to Superior Court, when the judge of County Court is disqualified:

That whenever any judge of a County Court shall be legally disqualified to act as judge in any action pending before said court, which is appealable, either party shall have power to remove said cause to the next Superior Court in the county, upon giving bond with surety to the adverse party, to prosecute such removal to effect; and the party so removing said cause shall enter the same in the Superior Court in the same manner as is by law provided in case of appeals: and such Superior Court shall have power to proceed to final judgment in said cause, in the same manner as if said cause had been brought there by appeal.

If objections on account of the disqualification be waived by the parties, the judge may act,—

SEC. 2. Whenever any judge of a County Court shall be legally disqualified to act as judge in any matter pending before him, provided the parties or their attorneys shall file a written agreement to waive all objections to his acting in such matter, such judge may thereupon proceed to hear and try the same.

Or nominate a justice of the peace to act in his stead.

SEC. 3. If such judge shall not act in such matter under the provisions of the preceding section, or if he shall decline to try any matter pending before him, by reason of his having been counsel therein, or for other sufficient reason, the same may be heard and tried before any justice of the peace for the county wherein such court is held, to be named by such judge: *Provided*, the parties or their attorneys shall file their written consent that such justice may so act.

Proviso.

Provisional hearing and decision by county commissioners.

SEC. 4. In all the cases mentioned in the two preceding sections of this Act, if any matter shall not be heard and decided under the provisions thereof, the same shall be heard and decided by one of the county commissioners for said county, to be notified by the clerk of the court.

SEC. 5. All acts and parts of acts inconsistent herewith, are hereby repealed. Repealing acts inconsistent herewith.

Approved, June 6, 1844.

CHAPTER XI.

An Act in addition to an Act entitled "An Act in addition to and alteration of an Act for the Settlement of Estates,—testate, intestate and insolvent," approved May 31, 1838; and also in addition to an Act entitled "An Act in addition to an Act entitled 'An Act in addition to an Act against Fraudulent Conveyances,'" approved May 28, 1841.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That in all cases of appeal to the Superior Court, according to the provisions of said acts, from the doings of commissioners on any insolvent estate or estate assigned for the benefit of creditors, if the claim or demand be for debt on book, the court before which the same shall be pending shall have power to appoint not more than three able, judicious and disinterested men, to audit and adjust the said accounts, who shall have the same power, and be sworn and proceed in the same manner as auditors in the action of book debt; and their award being returned into court, the appropriate judgment shall be rendered in pursuance thereof. Superior Court authorized to appoint auditors in certain cases of appeal from commissioners. Auditors to be sworn, &c.

Approved, June 6, 1844,

CHAPTER XII.

An Act in addition to and alteration of an Act regulating Proceedings in Equity.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,*

Granting power to judges of Superior Court to dissolve injunctions.

That whenever, upon any petition returnable to the Superior Court, a temporary injunction shall have been granted by a judge of the County Court, the defendant in such case may prefer his petition to dissolve the same to either judge of the Superior Court, as well as to the judge by whom such injunction shall have been granted; and the judge of the Superior Court to whom such petition shall be preferred shall have the same power and authority to dissolve such injunction, as though the same had been originally granted by him.

SEC. 2. When any temporary injunction shall have been granted by any judge of the Superior Court, and by reason of sickness or any other cause it shall not be convenient for such judge to hear and decide upon an application to dissolve the same, such judge, or in case of his absence or disability, the chief judge of the Supreme Court of Errors may order and direct that the same shall be heard and determined by some other judge of said court, and thereupon the judge so designated and appointed shall have the same power and authority in the premises, as though said injunction had been originally granted by him.

When and to whom said power may be transferred.

SEC. 3. The costs of an application to dissolve any injunction may taxed and allowed at their discretion, by the court, whenever a final decree shall be made in such case.

Taxation of costs.

Approved, May 31, 1844.

CHAPTER XIII.

An Act relating to the Partition of Real Estate.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That in all proceedings in partition, cognizable by the Superior or County Courts, either at law or in equity, whenever in the opinion of such court the interests of all in the common estate will be best promoted by a sale of such estate and division of the moneys arising from such sale among the parties in interest, such court shall have power to order such sale and make such division, and to appoint and empower some judicious person or persons to make sale thereof, at such time and in such manner as such court shall prescribe, and to make, prescribe and enforce all other orders and decrees proper and necessary to effect such sale and division, and protect the rights of all the parties in interest.

Extending power of Superior and County Courts in partition of estates.

SEC. 2. The moneys arising from such sale shall be divided among the parties interested in the subject matter of such proceedings, in proportion to their respective interests therein; and such court shall have power to make and enforce all such orders and decrees as it shall deem necessary to protect the rights of all such parties. *Provided*, that the provisions of this Act shall not apply to any such proceedings now pending in court, unless, in the opinion of such court, the interest of all such parties will thereby be promoted.

Moneys arising therefrom, how to be divided.

Proviso.

Approved, June 6, 1844.

CHAPTER XIV.

An Act to repeal an Act entitled "An Act relative to Students at Literary Institutions."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Act entitled "An Act relative to Students at Literary Institutions," passed at the May Session of the General Assembly, 1842, be, and the same is hereby repealed.

Act of 1842 re-
pealed.

Approved, May 20, 1844.

CHAPTER XV.

An Act regulating the Time of holding Electors' Meeting for the choice of Presidential Electors.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened, That in case of a passage of an act of Congress, providing for a uniform day for the choice of presidential electors in each of the United States, the meetings of the electors of this state for the choice of presidential electors, now required by law to be held on the first Monday of November, 1844, shall be held on the day provided in such law of Congress; and all existing provisions of law now applicable to said first Monday of November, shall be in force and be understood to apply to said day so designated in said Act of Congress.*

Providing for a
contingent act of
Congress.

SEC. 2. *Be it further enacted, That it shall be the duty of the Governor of this state, immediately upon the fact being made known to him of the passage and enacting of such law of Congress, to make public proclamation of the same, and to declare to the people of this state in such*

Governor to
make proclama-
tion, designating
the day for choo-
sing electors.

proclamation, the day designated and established by such law of Congress for the choice of presidential electors; and upon the issuing of such proclamation, the day by law established for the choice of such electors shall be taken and understood to be the day declared in such proclamation;—any law to the contrary notwithstanding.

Approved, June 6, 1844.

CHAPTER XVI.

An Act regulating Special Electors' Meetings for the choice of Representatives in the Congress of the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the warnings for meetings of the electors of this state, to fill any vacancy in the representation of the people of this state in the Congress of the United States, shall be given at least fourteen days previous to the day of such election. Warning when to be given.

SEC. 2. The board of registration of the several towns in this state shall meet in their respective towns at such convenient place as they may appoint, on the Monday of the week preceding the week on which the meetings specified in the preceding section of this Act are to be holden, having given at least two days previous notice thereof, by posting the same on the sign-posts in their respective towns. And said board may adjourn from time to time, but shall be in session, if necessary, on the Saturday next preceding said electors' meeting, from ten o'clock, A. M. to two o'clock, P. M., and longer, if necessary for the proper discharge of their duties. Board of registration;—time of meeting,—notice of to be given,—sessions and adjournments.

SEC. 3. Said board shall be organized and sworn in the manner provided in the Act entitled Board how organized. "An Act to provide for the Registration of the

Duties and powers, with respect to list of electors.

Names of the Electors of this State";—they shall have before them a copy of the list of electors qualified to vote in said town, and which was used at the next preceding electors' meeting in said town, and shall, during said week, have the same power to correct and revise said list, and to examine and decide upon all applications to be admitted an elector, and to administer the oath to those so found to be qualified, as they now by law have during the week next preceding the first Monday of April in each year.

When not in session, list to be left with town clerk.

SEC. 4. At all times during the week preceding such congressional election, while the board are not in session, said list, as altered by them, shall be left in the office of the town clerk for public inspection.

Electors to be admitted and registered on the day of election.

Who shall be refused.

SEC. 5. Said board shall hold a session on the day of such congressional election at the place where such election is held, and before the opening of the electors' meeting, for the purpose of admitting and registering as electors those applicants legally qualified to be so admitted; but no person whose name has been refused registration at any former meeting of the board authorized by this Act, shall be permitted to make application for the registration of his name at said session.

Duplicate lists, how authenticated and disposed of.

SEC. 6. Duplicate copies of said corrected list shall be made—authenticated by the signatures of said board, or a majority of them—one of which shall, on the Saturday next preceding the day of said congressional election, be lodged in the office of the town clerk, for public inspection, and the other shall, before the opening of the polls on the day of said meeting, be delivered to the presiding officer thereof, who shall conform thereto in receiving the votes of the electors at such meeting, (except so far as the same may be altered in the manner hereinafter prescribed,) and he shall receive the votes of all persons whose names are on said list, and he shall not receive the votes of any person whose names are not on said lists. And the names of the electors voting shall be checked in the manner prescribed in the Act entitled "An Act to provide for the Registration of the Names of the Electors of this State";

Presiding officer required to conform thereto.

Names of voters to be checked.

and said list and checks thereon shall be preserved in the manner specified in said Act. And said board shall be in session during the time of voting, for the purposes only which are specified in the proviso to the 14th section of said Act. List to be preserved.

SEC. 7. Said board, while in session under the provisions of this Act, shall examine witnesses and applicants under oath, if they shall thereto be required by any elector of said town; and any person so examined who shall be guilty of wilful false swearing, upon conviction thereof, shall suffer the punishment prescribed by law for the crime of perjury. Board to examine under oath, when required.

SEC. 8. All offences against the provisions of this Act shall be punished in the manner provided for the like offences in the Act entitled "An Act to provide for the Registration of the Names of the Electors of this State." Breach of Act how punishable.

SEC. 9. All acts and parts of acts relating to election and the admission of electors and inconsistent herewith, are hereby repealed. Repealing acts inconsistent herewith.

Approved, June 6, 1844.

CHAPTER XVII.

An Act in addition to an Act entitled "An Act to regulate the Election of Senators and to divide this State into Districts for that purpose."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Naugatuck, in the county of New Haven, shall be and remain a part of the Fifth Senatorial District. Naugatuck to belong to the Fifth Senatorial District.

Approved, June 4, 1844.

CHAPTER XVIII.

An Act to provide for the Registration of the Names of the Electors of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That the selectmen and town clerk in every town in this state shall constitute a board to make registration of the names of the electors in such town, and to ascertain and determine who are entitled to vote therein for all the officers to be elected on the first Monday in April, annually, and also of all who are entitled to vote at the next and each successive election of electors of President and Vice President of the United States; and said board shall be called the *Board of Registration*.

Who to constitute the board, to

register names and determine who may vote, &c.—Name of the board.

SEC. 2. The town clerk shall officiate as clerk of said board, and in case of his absence, said board may appoint any other person clerk thereof, who shall be sworn to a faithful discharge of duty; and the members of the board, before they enter upon the duties herein prescribed, shall take the following oath:—*You each of you solemnly swear [or affirm, as the case may be] that you will faithfully, impartially and according to your best judgment, perform the duties of a member of the Board of Registration, for the current year, in conformity with the laws of this state: so help you God.*

Who to officiate as Clerk of the board—Clerk and Board to be sworn—form of Oath—

SEC. 3. It shall be the duty of the board in each town, in the month of March, annually, by diligent inquiry, to ascertain the names of all the electors in such town who are legally qualified to vote for all the officers to be chosen at the next state election, and also of those who are entitled to vote only for a portion of them; and they shall complete separate alphabetical lists of such names, and lodge the same, authenticated by the signatures of the members of said board, or a majority of them, in the office of the town clerk, for public inspection, on or before the third Monday of the same month.

Duty of the board—when to meet,—decide who are voters—to make list of names—where lodged—when and how authenticated.

SEC. 4. In order to ascertain who are legally entitled to vote at the election of electors of President and Vice President of the United States, at the next and at each succeeding election of such electors, said board shall in the month of October next preceding any such election, proceed as before named, to make out an alphabetical list of all the electors who are entitled to vote at such elections ; which list shall be authenticated in the manner named in the preceding section, and lodged in the office of the town clerk, on or before the third Monday of the same month.

Board when to meet on election of President and Vice President of the United States,—to make list,—authenticate, and lodge the same in Town Clerk's Office.

SEC. 5. True copies of said lists, attested by the clerk of the board, shall, on or before said third Monday of March and said third Monday of October, be posted up in such places as the inhabitants of the town at any lawful meeting may direct ; and in case of failure to designate such places, the board shall cause copies of such lists to be posted upon three or more public places, in their respective towns.

Copies of list of Electors, when and where posted.

SEC. 6. It shall be the duty of the board in each town to meet at such convenient place as they may appoint, on the last Monday in March, annually, and on the Monday of the week next preceding any election of electors of President and Vice President, at ten o'clock, A. M. on said days, to correct and revise such lists ; and they shall remain in session for that purpose and for the purpose hereinafter prescribed, till 5 o'clock, P. M. of the said days, with the liberty of any necessary recess during said time ; and said board may adjourn from time to time, but shall, if necessary, be in session on the Saturday next preceding the day of any of the elections aforesaid, from ten o'clock, A. M. till two o'clock, P. M. and longer, if necessary to perfect such list, and to examine and decide upon all applications to be admitted to the privilege of an elector, and to administer the oath by law provided to those so found to be qualified. Any person claiming to be an elector in such town shall have a right to apply to said board for the registration of his name, and also for that of any other person or persons omitted in the registry, and may also object to

Board of Registration, when and where to meet to revise list, &c.—Who may apply to said board, &c.

the registration of the name of any person, (either inserted by the board or proposed to be inserted) on the ground that such person is not legally entitled to vote in said town. Said board shall make such erasures from and such additions to the lists as they shall find to be necessary to render the same a complete and perfect registry of the electors of such town, entitled to vote at those elections ; which lists shall also be authenticated as aforesaid. *Provided*, that the name of no person shall be erased from the lists, till he shall have had a fair opportunity to be heard thereon.

SEC. 7. The board shall give notice of the time and place of holding their sessions to correct and revise the registry lists upon the lists posted up, as before directed, and by advertising the same in one or more newspapers, if any are published in the same town. And in addition to the sessions of the board before named, they shall hold a session on the day of election, before the opening of the electors' meeting, and at the place where said meeting is held ; which said session shall be for the purpose of admitting and registering as electors of such towns, those applicants only, legally qualified to be so admitted, who shall have attained the age of twenty-one years, or shall have become qualified by virtue of a residence in the town, since the last meeting of the board.

The board to give notice of time and place to revise the list, &c.—What notice to give ;—to hold a session on the day of election ;— where, when and who to be registered.

SEC. 8. Duplicate copies of said corrected lists shall be made, one of which shall, on the Saturday next preceding any day of election as aforesaid, be lodged in the office of the town clerk for public inspection ; and the other shall, before the opening of the polls on the respective days of election, as aforesaid, be delivered to the presiding officer of such electors' meetings, who shall conform thereto in receiving the votes for all officers to be elected at said meetings, except so far as the same may be altered in the manner in this Act prescribed. And said presiding officer shall receive the votes of all persons whose names are on said lists of voters, as certified by said board, and he shall not receive the vote of any person whose name is not on said lists. The

Duplicate copies where lodged and when—duty of presiding officers—names of electors to be checked and by whom.

name of each elector, at the time of voting, shall be checked by the town clerk or one of the selectmen, or by one or more persons appointed by them.

SEC. 9. The original official list of voters, as made out by the board, and the list or lists used on the day of election, with the marks or checks upon the same, shall, by the presiding officer of said meeting, within twenty-four hours after the final adjournment of the same, be lodged in the office of the town clerk, where the same shall be kept on file and carefully preserved.

The list of names used at elections to be lodged in Town Clerk's Office within twenty-four hours after final adjournment, &c.

SEC. 10. If any member of the Board of Registration, or if any presiding officer of an electors' meeting, or if any clerk appointed to perform the service specified in this Act, shall, without just or reasonable cause refuse or neglect to discharge any of the duties herein prescribed, he shall, on conviction, be subject to a fine of two hundred dollars, payable to the treasury of the county in which said officer resides; and if said member, presiding officer or clerk shall be guilty of fraud in performing said duties, he shall be subject to a fine of five hundred dollars, payable to the treasury of this state, or to imprisonment in the county jail for a term of time not exceeding six months, or to such fine and imprisonment both, at the discretion of the court having cognizance of the same.

Penalty on Officers refusing to officiate, &c.
Penalty for fraud in said offices, &c.

SEC. 11. If any person shall wilfully give a false name or any false answer to the Board of Registration, when in session, he shall forfeit the sum of fifty dollars, to be paid into the treasury of the state; and if any person whose name is not on the registry list, shall vote or attempt to vote at either of the elections named in this Act, on the assumed name of any other person, whose name is on said list, he shall, on conviction, be subject to a fine of one hundred dollars, payable to the treasury of this state, and to one year's imprisonment in the county jail.

Penalty for giving a false name or answer to the board, &c.,

Penalty for voting under a false name, &c.

SEC. 12. The selectmen and town clerk of the several towns in this state, in lieu of the time now by law provided for that purpose, shall meet at the place of holding electors' meetings, or at such other place as shall be designated by said

Duty of Selectmen and Town Clerks to hold Meetings, &c.,

towns or the selectmen thereof, on the last Monday of March, annually, and on Monday of the week next preceding any election of the Electors of President and Vice President of the United States, at nine o'clock, A. M. of said days, for the purpose of examining and deciding upon all applications to be admitted to the privileges of an elector, and shall continue in session for that purpose, and for the purpose hereinafter prescribed, till five o'clock, P. M. of said days, if so long a time be necessary, and may adjourn said meetings from time to time: *Provided*, that no person shall be admitted an elector on any day of election, except such as shall have attained the age of twenty-one years, or shall have become qualified by virtue of a residence in the town, since the last meeting of the board.

Board may examine applicants and witnesses under oath;—penalty for false swearing.

SEC. 13. The board for the admission of electors, may, at their discretion, and shall, at the instance of any person an elector in the town where the board may sit, examine applicants for said privilege, and witnesses under oath; and if any person shall, in giving his testimony before such board, be guilty of wilful false swearing, such person shall, upon conviction thereof, suffer the punishment prescribed by law for the crime of perjury.

Where electors may vote, and for what officers;—qualifications of electors to vote, &c.

SEC. 14. Every legally qualified elector of any town in this state, and a *bona fide* resident therein, shall be authorized to vote in any other town in the state, for Governor, Lieutenant Governor, Secretary, Treasurer, Comptroller and Electors of President and Vice President of the United States; and any such elector who may lawfully vote for Representatives, in any town in the congressional district in which he resides, or who shall have resided for the period of four months next preceding in such congressional district, shall be authorized to vote in any town in the congressional district in which he resides, at any election for a Member of Congress, in said district; and any such elector who may lawfully vote for Representatives, in any town in the county in which he resides, or who shall have resided in such county for the period of four months next preceding, shall be authorized to vote in any town in the county in

which he resides, at any election for Sheriff for said county : *Provided*, if such elector offers his vote in any other town than the one in which he may lawfully vote for Representatives, he shall produce a certificate from the town clerk of the town in which he shall have been admitted an elector, of such his admission. And said town clerk and selectmen, in addition to the sessions prescribed by this Act, shall be in session during the time of voting, for the purpose of registering the names of such legally qualified electors only as reside in other towns than the one in which they offer to vote ; and the certificates required by law to be produced by such electors, shall be placed in the possession of the town clerk who shall preserve the same. And said Board of Registration shall also be in session during the time of voting, for the purpose of registering the names of such persons only as are electors resident in said town, entitled to vote for Representatives therein, and who have theretofore been admitted or registered as electors of said town, and have been omitted on said list by mistake ; but no person whose name has been refused registration at any former meeting of the board shall be permitted to make application for the registration of his name during said time of voting. And if any person being an elector shall vote in more than one town on the same day for Representatives or Senator, or for either of the officers named in this section, he shall, on conviction thereof, suffer imprisonment in the county jail for the term of one year, and be subject to a fine of fifty dollars, payable to the treasury of this state.

Penalty for voting in more than one town on the same day, &c.

SEC. 15. Whenever an adjourned meeting of the electors of any town shall be held for a choice of a Representative or Representatives to the General Assembly, said Board of Registration shall also, at the place where said meeting is held, hold a session on the day of election, previous to the opening of the meeting ; which said session shall be only for the purpose of registering the names of such electors as shall have become qualified to vote for Representative or Representatives in said town, since the last meeting

Adjourned Meetings ; — duty of Board of Registration, and how paid.

of the electors of said town by completing a four months' residence therein. And the Board of Registration shall receive for their services under this Act, such compensation as the town may direct, payable out of the town treasury.

Penalty for defacing &c., registry lists.

SEC. 16. Any person who shall wilfully tear down or deface any registry list which shall have been posted up by order of the Board of Registration in any town, shall, on conviction thereof, be subject to a fine of seven dollars, payable to the treasury of the town.

Acts repealed by this Act.

SEC. 17. So much of the Act passed in 1842, entitled "An Act regulating Elections," as requires a record of every person depositing his vote, and so much of the same as re-enacts any part of the Act passed at the special session of the General Assembly begun and held on the twenty-first day of December, 1836, which is inconsistent with this Act, and also so much of the said Act of 1842 as is inconsistent with this Act, and all Acts or parts of Acts relating to elections and admission of electors, inconsistent herewith, are hereby repealed. *Provided*, that all offenders against said Act or Acts, or any of them, may be prosecuted, convicted and punished in the same manner as if said Act or Acts were not repealed.

Approved, June 6, 1844.

CHAPTER XIX.

An Act in alteration of an Act entitled "An Act relating to Ferries," and in alteration of "An Act in addition" thereto.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the fare for a man, horse and load, at Enfield and Suffield Ferry, at the mouth of Fresh Water brook, in future be six and a quarter cents; and and for each four-wheeled carriage, drawn by one horse, in future be twelve and a half cents; and that so much of said Acts as is inconsistent with the provisions of this Act, be, and the same is hereby repealed.

Altering the fare
at Enfield and
Suffield Ferry.

Repealing acts
inconsistent
herewith.

Approved, May 31, 1844.

CHAPTER XX.

An Act in addition to an Act entitled "An Act prescribing the number of Jurymen for each town in this State."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Naugatuck, in New Haven county, shall be and is hereby entitled to select seven jurymen and no more, in the manner and for the purposes prescribed in the Act regulating Civil Actions; and that the town of Waterbury, in New Haven county, shall hereafter be entitled to select twelve jurymen, and no more.

Number of Jury
men in Nauga-
tuck.

Number in Wa-
terbury.

Approved, June 4, 1844.

CHAPTER XXI.

An Act in addition to an Act entitled "An Act authorizing the Governor to appoint a Secretary and Notaries Public."

Commissions of
Notaries Public,
when to expire.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That all commissions of Notaries Public granted prior to the second day of May, 1844, shall expire on the 20th day of June, 1844; any law to the contrary notwithstanding.

Approved, May 31, 1844.

CHAPTER XXII.

An Act in addition to an Act concerning Petitions and Memorials to the General Assembly.

Notice to be given
before enter-
ing certain peti-
tions.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That no petition for the incorporation of a railroad or canal company, or for an alteration in the charter of any such company, shall hereafter be heard by the General Assembly, unless public notice thereof shall be given by advertisement, setting forth the route, as near as may be, of such proposed railroad or canal, or the proposed alteration of such charter, in some newspaper printed in the county where such railroad or canal, or some part thereof is located or proposed to be located; or if there be no newspaper printed in such county, then, in a newspaper printed in an adjoining county, at least three weeks before the first day of the session in which such hearing is had. *Provided,* that nothing herein shall be so construed as to dispense with any other notice required by law.

Proviso.

Approved, June 7, 1844.

CHAPTER XXIII.

An Act in addition to an Act entitled "An Act constituting and regulating Courts, and appointing the times and places for holding the same."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Avon be and hereby is constituted a Probate District, by the name of the *District of Avon*. *Provided, however,* that all matters of business begun or entered in the Court of Probate for the District of Farmington shall be completed therein, in the same manner as if this Act had not passed.

Avon constituted a Probate District.

Proviso.

Approved, June 6, 1844.

CHAPTER XXIV.

An Act in addition to an Act entitled "An Act for constituting and regulating Courts, and for appointing the times and places of holding the same."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the town of Naugatuck shall be and constitute a part of the Probate district of Waterbury. *Provided, however,* that all matters and business begun or entered in the Court of Probate for the district of New Haven shall be completed therein, in the same manner as if this Act had not been passed.

Naugatuck to belong to the Probate District of Waterbury.

Proviso.

Approved, June 4, 1844.

CHAPTER XXV.

An Act in alteration of an Act entitled “An Act in addition to the Act entitled ‘An Act relating to Guardians and Minors.’”

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whenever any guardian shall have rendered his account against his ward, and upon adjustment of such account by the Court of Probate it shall appear that the whole estate of such ward is less than five hundred dollars, in such case it shall not be the duty of the guardian to render his account thereafter annually, but such guardian shall render his account thereafter when thereto required by the Court of Probate.

Guardians, annual accounts of when not required.

Approved, May 28, 1844.

CHAPTER XXVI.

An Act relating to the Books and Papers of the late “Connecticut Land Company.”

Be it enacted by the Senate and House of Representatives in General Assembly convened, That it shall be the duty of the Secretary of this State to preserve the original books and papers of the late Connecticut Land Company, in some safe and convenient place in the state-house in Hartford; and when requested he shall make and attest copies thereof, in the same manner as other copies of records and papers in his office are authenticated, which shall in all cases be admitted as legal evidence.

Secretary to preserve the books, &c., and give copies.

Approved, June 6, 1844.

CHAPTER XXVII.

An Act to repeal an Act therein mentioned and for other purposes.

Whereas, it has been decided by the Supreme Court of the United States, since the passing of the Act of 1838, entitled "An Act for the Fulfilment of the Obligations of this State imposed by the Constitution of the United States, in regard to Persons held to service or labor in one State escaping into another, and to secure the Right of Trial by Jury, in the cases therein mentioned," that both the duty and the power of legislation on that subject pertain exclusively to the National Government; therefore,

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the Act aforesaid and the Act in alteration thereof, passed in 1839, be, and the same are hereby repealed.

Repealing act of 1838, and act in alteration thereof, 1839.

SEC. 2. No judge, justice of the peace, or other officer appointed under the authority of this state shall be authorized, as such, to make, issue or serve any warrant or process for the arrest or detention of any person claimed to be a fugitive from labor or service, as a slave, under the laws of any other state or country, escaping into this state, or to grant a certificate of the title of any claimant to the service of any person so claimed to be a fugitive as aforesaid, with a view to his detention or removal out of this state: and any warrant, process, or certificate so issued or granted by any judge, justice of the peace or other officer of this state, shall be utterly null and void, and shall constitute no justification for any acts done under the same. *Provided, nevertheless*, that nothing in this Act contained shall be construed to impair any rights which by the Constitution of the United States may pertain to any person to whom labor or service may be due by the laws of any other state, from any fugitive escaping into this state, or to prevent the exercise in this

Prohibiting arrest or detention of fugitive slaves.

Proviso,

state of any powers which may have been conferred by Congress, on any judge or other officer of the United States in relation thereto.

Approved, June 6, 1844.

CHAPTER XXVIII.

An Act to Incorporate the Philological Society.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That James Murdock, William Tully, A. B. Chapin, Josiah W. Gibbs, Romeo Elton, Theodore D. Woolsey, Edward E. Salisbury, Charles Wm. Bradley, James L. Kingsley, Erasmus D. North, and William A. Larned, their associates and successors, be, and are hereby created, constituted and declared to be a body politic and corporate, by the name of the *Philological Society*; and by that name they, their associates and successors, may and shall have perpetual succession, shall be capable of suing and being sued, pleading and being impleaded, defending and being defended in all courts and places whatsoever; and also to purchase, receive, hold and convey any estate, real or personal, to an amount not exceeding twenty-five thousand dollars; and may have and use a common seal, such as they may devise, and the same alter at pleasure; may elect officers and establish rules relative to the admission of future members, and may ordain, establish, and put in execution such by-laws and regulations not contrary to the provisions of this charter, the laws of this state or of the United States, as shall be deemed necessary or expedient for the government of said corporation.

SEC. 2. If it shall so happen that an election of any annual officer or officers of said corporation shall not take place in any year at the time appointed therefor, said corporation shall not for

Persons incorporated.

Name of corporation.

Limitation of estate.

Empowered to make by-laws, &c.

When no election is held, corporation not dissolved therefor.

that reason be dissolved, but such election may be held thereafter, and such officer or officers may exercise his or their official functions until a new election be made.

SEC. 3. All the estate, real and personal, which may at any time be owned by said corporation shall be exempt from taxation, so long as the same shall be used and the avails and income thereof shall be devoted to and expended in the objects and purposes of philological science. Estate exempt from taxation.

SEC. 4. The first meeting to organize said corporation under the provisions of this charter, shall be holden on Tuesday, the 4th day of June, 1844, at the residence of James Murdock, at 8 o'clock, P. M. Time of holding primary meeting.

SEC. 5. This Act, or any part thereof, may be altered or repealed, at the pleasure of the General Assembly. Act revocable.

Approved, May 31, 1844.

CHAPTER XXIX.

An Act to confirm the proceedings of a meeting of the Commissioners of the County of Middlesex, and the Representatives of the towns of said County.

Whereas, at a meeting of the Commissioners of Middlesex County and the Representatives of the towns in said county, held at Haddam, in the county aforesaid, on the 25th day of December, 1843, it was voted that a tax of seven and a half mills on the dollar be laid on all the polls and rateable estate of said county, on the lists of 1843, to be collected and paid into the treasury of said county, on or before the first day of July, 1844, (five and a half mills of which being for the purpose of erecting a jail in the town of Haddam aforesaid, in such manner that it will answer the purpose of a jail and county work-house, and two mills of Preamble.

which being for the ordinary expenses of said county,) and inasmuch as there are doubts whether the proceedings of said meeting and the tax so laid as aforesaid were in all respects according to law, in consequence of the assessment lists of 1843, of the several towns aforesaid not having then been made, corrected and completed so as to be the rule for the county tax aforesaid to be levied and apportioned thereon, according to law. Therefore—

Confirming tax
laid on list not
completed.

Be it enacted by the Senate and House of Representatives in General Assembly convened,
That the proceedings and vote of the meeting of the commissioners and representatives aforesaid, so far as the same were intended to lay a tax on the polls and rateable estate of said county, on the list of 1843, shall not be deemed to be invalid in consequence of said list not having then been made, corrected and completed, as by law required, but the same shall be, and hereby are declared to be as valid to all intents and purposes as if the list of 1843, in each town in said county had been and then was in all respects completed and perfected as by law required.—
Provided, however, that nothing herein contained shall be so construed as to validate any other defect, if any, in the proceedings of the said commissioners and representatives.

Proviso.

Approved, June 7, 1844.

CHAPTER XXX.

An Act in addition to an Act entitled “An Act for the Assessment of Taxes.”

Persons of col-
or exempt from
taxation.

Be it enacted by the Senate and House of Representatives in General Assembly convened,
That the personal and real estate of any person of color in this state shall be exempt from taxa-

tion. *Provided*, that this Act shall not be construed to effect any list heretofore made and completed, or any tax which is now or may hereafter be laid thereon. Proviso.

Approved, June 7, 1844,

CHAPTER XXXI.

An Act confirming the Assessment of Taxes.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the several provisions of the Act passed in 1833, entitled "An Act in addition to an Act entitled 'An Act providing for the Collection of Taxes,' " Act of 1833 re-enacted and provisions thereof extended. be, and the same are hereby re-enacted and extended to all cases to which the same would be applied if said Act were now for the first time enacted; and that the provisions of this Act shall be applicable to the proceedings of assessors and board of relief of cities as well as towns. *Provided*, that no claim which is the subject of Proviso. any suit now pending, shall be in any manner affected by the provisions of this Act.

Approved, June 6, 1844,

CHAPTER XXXII.

An Act in addition to an Act entitled "An Act for the due Observation of the Sabbath or Lord's-day, and days of public Fasting and Thanksgiving."

Be it enacted by the Senate and House of Representatives in General Assembly convened, That

Extending the provisions of an Act therein named to Temperance meetings.

the provisions of the fifth and sixth sections of the aforesaid Act be, and the same are hereby extended to the public meetings of all Temperance Societies, or any meeting for the promotion of the cause of temperance in this state.

Approved, June 7, 1844.

CHAPTER XXXIII.

An Act to make valid the doings of a Town Meeting therein named.

Preamble.

Whereas, at the annual town meeting of the town of Meriden, held on the first Monday of October, A. D. 1843, the town clerk of said town being absent, the selectmen of said town appointed a clerk *pro tem.* in place of one being appointed by said meeting, as the law in such cases provides ; now therefore—

Doings of a town meeting in Meriden made valid.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the appointment of said clerk *pro tem.* and all the doings of said annual town meeting, in all other respects done in accordance with law, shall, and are hereby declared to be valid and binding as they would have been had said clerk *pro tem.* been appointed by said meeting.

Approved, May 21, 1844.

CHAPTER XXXIV.

An Act providing the mode of establishing Disputed Lines between Adjoining Towns.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That in all cases wherein a dispute exists or shall exist in regard to the divisional line between any two adjoining towns, or any part or parts of such line, and a majority of the selectmen of one of said towns shall not be able to agree with a majority of the selectmen of the other of said towns, as to the place or places of such divisional line, or part or parts thereof, it shall be the duty of the Superior Court, upon application, to appoint a committee of three judicious and disinterested persons to fix and establish said disputed line, or part or parts thereof, and to erect and establish suitable monuments to designate the same. And when said committee shall have so fixed and established said line, or part or parts thereof, and erected and established such monuments, they shall make report of their doings to said Superior Court; and when said report shall have been accepted by said Superior Court, and the same, together with the record of the acceptance thereof shall have been recorded in the records of said towns respectively, or lodged for the purpose of being so recorded with the town clerks of said towns respectively, by any of the selectmen of either of said towns, said line, or part or parts thereof so fixed and established, shall forever thereafter be deemed and taken to be the true divisional line between said towns. And it shall be in the discretion of said Superior Court to allow or refuse costs to or against either of said towns, or apportion the same between them, as to said court may seem equitable. Said court may issue execution for the recovery of said costs as occasion shall require. *Provided nevertheless,* that before said committee shall proceed to fix or establish said

Superior Court,
when authorized
to appoint a com-
mittee to fix dis-
puted lines.

Committee to
make report.

Superior Court,
to tax Cost at dis-
cretion.

Selectmen, to be notified.

Committee, to be sworn.

line, or part or parts thereof, or monuments as aforesaid, notice shall be given by said committee to said towns respectively, of the time and place of their meeting to attend to the duties of their appointment, at least twenty days previous to the time of such meeting; the service of which notice shall be upon a majority of the selectmen of each of said towns respectively, and also by setting the same upon one sign-post at least, in each of said towns. And all parties interested shall be entitled to be heard before said committee. *And provided further*, that before said committee shall proceed to fix or establish said line, or part or parts thereof, as aforesaid, they shall be sworn faithfully and impartially, according to the best of their abilities, to execute the duties of their appointment.

Approved, June 6, 1844.

CHAPTER XXXV.

An Act in addition to an Act entitled "An Act relating to Turnpike Roads."

Directors of turnpike companies, when and by whom to be notified to make repairs.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That whenever the gate or gates on any turnpike road are thrown open by the commissioners on such road, in consequence of such road not being kept in good and sufficient repair, upon the complaint and application of twenty electors of the town, or either of the towns through which the said road passes, to the selectmen of the town or any of the towns in which the said road is out of repair, to have the same repaired, said selectmen shall notify the directors of such company, or any one of such directors of such complaint; and if, after such complaint and notice said company shall neglect or refuse to put said road in repair, to the acceptance of the commissioners

In case of neglect, towns authorized to repair said roads and charge over expense to the company.

thereon, for the term of thirty days, the selectmen of such town or towns shall, if so directed by a legal meeting of the inhabitants of such town or towns, repair such portion of the said road as is within the limits of the said town or towns respectively, at the expense of such town or towns, and to make an account of the expense of such repairs and lodge the same with the treasurer of the town where such expense accrued. And said treasurer shall thereupon notify the directors or one of the directors of said company, or the secretary or agent thereof of such bill of expense: and no company against whom such expenses have accrued as aforesaid, shall shut, erect or keep up any toll-gate, or claim or receive any toll on such road until they have first paid said bill or bills of expense to the town or towns having made the repairs aforesaid.

Penalty for neglect of payment.

Approved, June 4, 1844.

CHAPTER XXXVI.

An Act to prohibit the retailing of Wines and Spiritous Liquors on public days and at other times.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That hereafter, no person or persons shall directly or indirectly sell or offer for sale at retail, any wines or spiritous liquors in the open fields, commons, highways or turnpikes, or at any tent, booth, stage-stand, or other place erected or located for a temporary purpose on a public day, or on days of camp-meetings, or on any temporary occasion whatever, on penalty of a fine of seven dollars for each offence, to be paid into the town treasury where the offence is committed, on conviction thereof by due process of law.

Sale of wines, &c., when and where forbidden.

Penalty.

SEC. 2. Nogauler or innkeeper connected with any gaol shall be allowed to keep for sale on his

Prohibition to gaolers.

Penalty.

premises, after the first Monday of January next, or after the expiration of his present license, any wines or spiritous liquors, or allow the same to be kept for sale by others, or to be given to any prisoner, except as medicine, or when prescribed by a physician; and any breach of this section shall subject such gaoler to a fine of seventeen dollars, for the use of the town where such gaol is located, to be recovered before any court having cognizance of the offence.

Constables to
make complaint.

It shall be the duty of constables and informing officers to make complaint of any person or persons who shall violate this Act; and any justice of the peace is authorized to entertain such complaint.

Approved, June 7, 1844.

PROPOSED AMENDMENT TO THE CONSTITUTION.

At a General Assembly of the State of Connecticut, holden at New Haven, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and forty-four :—

Resolved, by the House of Representatives, That the following be proposed as an amendment of the Constitution of this state, as a substitute for the second section of the sixth article of the Constitution, and of the amendment of said second section ; which proposed amendment, when approved and adopted in the manner prescribed by the Constitution, shall be to all intents and purposes a part thereof,—to wit :

Every white male citizen of the United States, who shall have attained the age of twenty-one years, who shall have resided in this state for a term of one year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector at least six months next preceding the time he may so offer himself, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

Resolved, That the foregoing proposed amendment to the Constitution of this state, be continued to the next session of the General Assembly of this state, to be holden at Hartford, on the first Wednesday of May next, and be published with the laws of this state passed at the present session.

HOUSE OF REPRESENTATIVES, }
June 1st, 1844. }

Passed. Yeas 132,—Nays 12.

LUC'S. G. PECK, Clerk H. of R.
CHARLES H. TUTHILL, Ass't Clerk H. of R.

STATE OF CONNECTICUT, ss. }
SECRETARY'S OFFICE, June 28th, 1844. }

I HEREBY CERTIFY, That I have compared the printed copy of the Acts contained in this pamphlet, with the original Acts, as engrossed and passed by the Legislature, and find the same to be correct.

DANIEL P. TYLER,
Secretary of State.

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